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Part III

# Council on Environmental Quality

## National Oil and Hazardous Substances Pollution Contingency Plan; Proposed Revision

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1510]

## National Oil and Hazardous Substances Pollution Contingency Plan; Proposed Revision of Regulations

**AGENCY:** Council on Environmental Quality, Executive Office of the President.

**AGENCY:** Proposed revision of regulations.

**SUMMARY:** These proposed regulations revising the National Oil and Hazardous Substances Pollution Contingency Plan are published for public review and comment. The proposed revisions update the Plan to conform to the Clean Water Act amendments of 1977 and restructure the Plan to simplify reading. Substantive changes include: 1) increasing the role of state participation in the Plan, 2) provision for the preparation of local contingency plans, 3) incorporation of the National Pollution Equipment Inventory System, 4) provision for Scientific Support Coordinators, 5) provision for periodic field testing, and 6) clarification of the application of the Endangered Species Act. These changes are designed to improve the efficiency, coordination and effectiveness with which Federal agencies respond to discharges or threats of discharges of oil and hazardous substances.

**DATES:** Comments must be received by July 16, 1979.

**ADDRESSES:** Comments should be addressed to: Nicholas C. Yost, General Counsel, Attention: National Contingency Plan Comments, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

**FOR FURTHER INFORMATION CONTACT:** Foster Knight, Council on Environmental Quality (address same as above), (202) 395–4616, or Richard Hess, EPA-Coast Guard Liaison, Headquarters U.S. Coast Guard G–WEP/73, Washington, D.C. 20590, (202) 472–5444.

**SUPPLEMENTARY INFORMATION:**

### A. Purpose

We are publishing for public review draft regulations which revise the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 1510 (as amended March 26, 1976). The Plan is the basis for Federal action to minimize pollution damage from discharges of oil or hazardous substances. The purpose of the proposed revision is to improve the efficiency, coordination, and effectiveness with which Federal agencies respond to a discharge or substantial threat of discharge of oil or a hazardous substance. We expect the revised regulations to improve planning by and coordination among state and federal agencies, to improve assessment of environmental damage from spills and to facilitate evaluation of response effectiveness.

### B. Background

The Plan was first published as an interagency agreement in 1968. It became part of the Code of Federal Regulations in 1970 in accordance with the Water Quality Improvement Act of 1970. Section 311(c)(2) of the Clean Water Act gives the President the responsibility for issuing the Plan. By Executive Order 11735 (August, 1973), this responsibility was delegated to the Council on Environmental Quality (CEQ). In 1973 the Plan was published in its current format. The present version was published in 1975 with some minor changes incorporated in 1976.

A number of events over the past two years have identified opportunities for improving the Plan. In late December 1976, the *Argo Merchant* ran aground on Nantucket Shoals, 27 miles from Nantucket Island, Massachusetts. The resulting spill of 7.5 million gallons of oil led to the most massive spill response action ever undertaken in the United States. Although the weather conditions exceeded technological capabilities for recovery of the oil, those same conditions meant that no oil reached the Massachusetts shoreline. In April 1978, Massachusetts submitted a Petition for Rulemaking to revise the Plan, asking for specific changes. In addition, a spill of 250,000 gallons earlier in the year resulted in massive shoreline damage on the Chesapeake Bay as 27 miles of coastline were contaminated by the oil.

As a result of such incidents and continuing United States dependency on oil imported by tanker, attention from various levels of government has been continually focused on the response capabilities of the federal government. Congressional subcommittees have investigated both the response to specific incidents and the general federal scheme for coordinated action. In response to these events and as part of its revision responsibilities, proposed revisions have been submitted to CEQ by the National Response Team, the national group of federal agencies responsible for planning and coordination under this Plan.

Some problems were also addressed in the Clean Water Act amendments of 1977 (Pub. L. No. 95–217 amending 33 U.S.C. 1251 *et seq.*) which changed the jurisdiction of the Plan. The proposed revision of the Plan reflects these statutory changes.

The revised regulations also attempt to address other problems noted in the course of response actions. In October 1977, CEQ also requested information from the states on problems they had encountered in activities under the Plan. Twenty-seven states responded, generally expressing satisfaction with the Plan but offering suggestions for improvements.

### C. Summary of Changes Made by Proposed Revisions

1. Changes to make the Plan track with the Clean Water Act amendments of 1977. See particularly §§ 1510.3, 1510.21. Following the Clean Water Act amendments of 1977, the proposed regulations modify the scope of the Plan (§ 1510.3) to include the expanded economic zone of the Fishery Conservation and Management Act of 1976. The proposed revisions apply the Plan to potential as well as actual discharges (§ 1510.21(b)).

2. Increasing the role of state participation in the Plan.

a) States are invited to participate as full members of Regional Response Teams (RRTs). Full participation of high level state representation is desired. See § 1510.23(a) and § 1510.34(a) and (f).

b) § 1510.23(b). EPA and the U.S. Coast Guard should explore the possibility of entering into agreements with states which will delegate to the state spill cleanup responsibilities.

c) § 1510.34(m). Provisions for RRT members (including state members) to appeal decisions of the RRT to the National Response Team (NRT) and to request further review by CEQ.

3. Local Contingency Plans. The current Plan makes no provision for local contingency plans for dealing with spills in ports or local areas.

Sections 1510.36(d) and 1510.42 provide that the On-Scene Coordinator (OSC) is responsible for developing and maintaining a local contingency plan for the OCS's area of responsibility. Local plans must identify 1) environmentally sensitive areas, 2) most probable locations for pollution incidents, 3) the kinds of resources that would be needed to respond to spill incidents, 4) where such resources can be obtained, 5) plans of action for protecting vulnerable resources, 6) sites for disposing recovered oil and hazardous substances,

and 7) a local organizational structure for spill response.

To aid the development of local contingency plans, § 1510.34(d) provides that RRTs must designate members to assist the OSC in local contingency planning.

4. National Pollution Equipment Inventory System. The current Plan does not provide for a national inventory of equipment and resources available for oil and hazardous substance spill response.

President Carter's March 1977 initiative on oil spill prevention directed the Coast Guard to prepare a national inventory that would enable the federal government to respond to an oil spill of 100,000 tons within 6 hours.

A national inventory has been established. § 1510.43 institutionalizes the national inventory system.

5. Scientific Support Coordinators. The current Plan does not provide a mechanism for coordination between the On-Scene Coordinator (OSC) and the scientific community during spills. Such a mechanism is necessary in order to provide the OSC with sound scientific advice in orderly way, so that the OSC does not have to devote scarce time to a number of different scientists who are concerned about providing cleanup advice and conducting experiments during spill cleanup operations.

Section 1510.64(b) establishes a scientific support organization headed by Scientific Support Coordinators (SSCs) who are designated by EPA for inland spills and by NOAA for coastal area spills.

6. Annual Field Exercises. The current Plan makes no provision for periodic field testing by the RRTs of their spill response equipment and people.

Section 1510.34(h) Requires each coastal RRT to conduct annual training exercises in which equipment is actually deployed.

Section 1510.34(i) strongly encourages each inland RRT to conduct annual training exercises.

7. Changes Reflecting Requirements of the Endangered Species Act. The current Plan does not specifically discuss the relationship between spill response and cleanup actions and the requirements of legislation protecting endangered or threatened species.

Section 1510.36(a)(3) provides that advice to the OSC provided by DOI through the Fish and Wildlife Service or by Commerce through the National Marine Fisheries Service on the cleanup of spills that affect endangered species, shall be binding on the OSC (with specified exceptions).

8. Public Information. The current Plan provides for dissemination of public information in Annex VI.

The proposed revisions move the provisions of Annex VI to new § 1510.37. In addition, changes are made to make the Plan conform to the existing public information network which is implemented by the Coast Guard.

9. Restructuring Plan for Easier Reading. The current Plan contains considerable useful information buried in its Annexes.

The proposed revisions shift this more important material into the body of the Plan. The proposed revisions also add new Annex material (new Annexes II, VI and VIII). See attached comparison of Current Plan and CEQ Draft.

In addition, the proposed revisions eliminate duplicative material and rewrite some provisions to achieve clarity and to make minor corrections of outdated Plan information.

| *Current Plan* | *Proposed Revisions* |
|---|---|
| Annex I (Distribution) | Remains the same |
| Annex II (N.R.T. functions) | NRT functions are in § 1510.32. * (Annex II-Formats For Regional and Local Contingency Plans) |
| Annex III (National Response Center functions) | NRC functions are in § 1510.33. (Annex III-Regions and Office Locations of Primary Agencies) |
| Annex IV (Office Locations of Primary Agencies) | Office locations are in Annex III. (Annex IV-Legal Authorities) |
| Annex V (Communication and Reports) | Reports are in § 1510.57 * (Annex V-Communication Services Available) |
| Annex VI (Public Information) | Public Information is in § 1510.37. * (Annex VI-Sample Collection Procedures to be followed by OSCs.) |
| Annex VII (Legal Authorities) | Legal Authorities are in Annex IV. (Annex VII-Technical Library) |
| Annex VIII (Documentation and Cost Recovery) | Documentation and Cost Recovery are in § 1510.56. (Annex VIII-Definition of Technical Terms) |
| Annex IX (Funding) | Funding is in § 1510.65. Annex IX (blank) |
| Annex X (Schedule of Chemicals and Additives For Removal of Oil and Hazardous Substances) | Remains the same |
| Annex XI (Non-Federal Interests) | Non-Federal interests are in § 1510.23. |
| Annex XII (blank) | |
| Annex XIII (blank) | |
| Annex XIV(blank) | |
| Annex XV (Technical Library and Definitions of Technical Terms) | Technical Library is in Annex VII; Definition of Technical Terms is in Annex VIII. |

* Denotes new Annex material.

Nicholas C. Yost,
*General Counsel.*
May 8, 1979.

It is proposed to revise 40 CFR Part 1510 as follows:

## PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

### Subpart A—Introduction

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### Subpart F—Coordinating Instructions

1510.61 Delegation of Authority.
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### List of Annexes

*Sec. and Annex No.*

1100 Distribution.....I
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2000 Schedule of Chemicals and Other Additives..... X

**Authority:** Sec. 311(c)(2), Public Law 92-500, as amended; 86 Stat. 865, 33 U.S.C. 1251, *et. seq.*

## Subpart A Introduction

### § 1510.1 Purpose and objectives.

This National Oil and Hazardous Substances Pollution Contingency Plan provides for coordinated Federal action to try to prevent discharges of oil and hazardous substances, and to protect the environment from damage when discharges occur. The Plan also promotes Federal-state coordination and it encourages local governments and private contractors to build capabilities for cleaning up discharges.

### § 1510.2 Authority.

This Plan was developed in compliance with Section 311(c)(2) of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*). In Executive Order 11735, the President delegated to the Council on Environmental Quality authority and responsibility to prepare, publish, revise and amend a National Contingency Plan for the removal of oil and hazardous substances.

(b) The Plan and its Annexes, and regional and local plans, provide for:

(1) Assignment of responsibilities among Federal agencies, in coordination with State and local agencies;

(2) Identification, procurement, maintenance, and storage of equipment and supplies;

(3) Establishment or designation of

(i) A strike force to carry out the Plan and

(ii) Trained and adequately equipped emergency task forces at major ports;

(4) A system of surveillance and reporting to give responsible Federal and state agencies the earliest possible notice of discharges of oil and hazardous substances or imminent threats of such discharges;

(5) Establishment of a national center to direct operations in carrying out the Plan;

(6) Procedures for identifying, containing, dispersing, and removing oil and hazardous substances; and

(7) A schedule, prepared in cooperation with the states, identifying any dispersants or other chemicals that may be used in carrying out the Plan;

(8) A system for reimbursing states for reasonable costs incurred in removing discharges; and

(9) A procedure for coordinating scientific support of cleanup operations, assessment of damage after a spill, and research efforts.

### § 1510.3 Scope.

(a) The Plan is effective for the navigable waters of the United States and adjoining shorelines, for the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act or the Deep Water Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976). (See sections 311(b)(1) and 502(7) of the Clean Water Act).

(b) This Plan is applicable to all Federal agencies. Implementation of this Plan is complementary to the Joint U.S./Canadian Contingency Plan (including the annexes pertaining to the Great Lakes, Eastern and Western coastal areas); the Joint U.S./Mexican Contingency Plan; and international assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

### § 1510.4 Abbreviations.

(a) Department and Agency title abbreviations.

CEQ—Council on Environmental Quality
Commerce—Department of Commerce
Corps—U.S. Army Corps of Engineers
DHEW—Department of Health, Education and Welfare
DOD—Department of Defense
DOE—Department of Energy
DOI—Department of Interior
DOJ—Department of Justice
DOS—Department of State
DOT—Department of Transportation
EPA—Environmental Protection Agency
ERT—Environmental Response Team
FEMA—Federal Emergency Management Agency
MarAd—Maritime Administration
NOAA—National Oceanic and Atmospheric Administration
USCG—U.S. Coast Guard
USDA—Department of Agriculture
USGS—U.S. Geological Survey
USN—U.S. Navy

(b) Operational title abbreviations.

NRC—National Response Center
NRT—National Response Team
OSC—On-Scene Coordinator
PIAT—Public Information Assistance Team
SSC—Scientific Support Coordinator
RRC—Regional Response Center
RRT—Regional Response Team

### § 1510.5 Definitions under the Plan.

(a) Act—means the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(b) Activation—means notification by telephone or other expeditious means to the appropriate state and local officials, to the regional or district office of each primary agency, and to the offices of advisory agencies identified in regional contingency plans, or, when required, the assembly of some or all members of the RRT.

(c) Advisory agencies—means those departments or agencies which can make contributions during the response to certain types of discharges. These Agencies are: FEMA, DHEW, Justice, DOE, and State.

(d) Coastal waters—generally means U.S. waters which are navigable by deep draft vessels, including the contiguous zone and parts of the high seas to which this Plan is applicable and other waters subject to tidal influence.

(e) Contiguous Zone—means the zone of the high seas, established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, which is contiguous to the territorial sea and which extends 12 miles seaward from the same baseline from which the territorial sea is measured.

(f) Discharge—includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping of oil or hazardous substances. Discharges permitted under Sections 301, 302, 306, 318, 402 or 404 of the Act or Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law No. 92-532) are not included.

(g) Hazardous substance—means any substance designated as hazardous under subsection (b)(2) of Section 311 of the Act.

(h) Inland waters—generally means U.S. waters upstream from coastal waters.

(i) Major Disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, drought, fire or other catastrophe in the United States which the President determines to be damaging enough to warrant major disaster assistance under the Disaster Relief Act of 1974 (Public Law No. 93-288).

(j) Oil—means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) On-Scene Coordinator (OSC)—means the Federal official predesignated by the EPA or the USCG to coordinate and direct Federal response to spills, and discharge removal efforts at the scene of a discharge.

(l) Phases—response actions fall into five classes or phases. Phase I is Discovery and Notification; Phase II, Evaluation and Initiation of Action; Phase III, Containment and Countermeasures; Phase IV, Removal, Mitigation and Disposal; and Phase V, Documentation and Cost Recovery. Elements of any phase may coincide with other phases. For a full description of the phases, see Subpart E, §§ 1510.51–55.

(m) Plan—means the National Oil and Hazardous Substances Pollution Contingency Plan.

(n) Potential discharge—means any accident or other circumstance which threatens to result in the discharge of oil or hazardous substance. Severity of potential discharge shall be classified according to the guidelines in subparagraph (r) below.

(o) Primary agencies—means those departments or agencies on the NRT that have the primary responsibility and provide resources for the effective operation of this Plan. These agencies are: Commerce, DOD, DOI, DOT, EPA, and USDA.

(p) Public health or welfare—includes all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(q) Remove or removal—means the removal of oil or hazardous substance from the water and shorelines or taking necessary actions to minimize or mitigate damage to the public health or welfare. Under this Plan, removal refers to Phase III and IV response operations.

(r) Size classes of discharges—The following classifications are provided as guidance for the OSC and serve as the criteria for the actions delineated in § 1510.63. They are not meant to imply associated degrees of hazard to the public health or welfare, nor are they a measure of environmental damage. Any discharge that poses a substantial threat to the public health or welfare, or results in critical public concern shall be classed as major discharge regardless of the following quantitative measures.

1) Minor discharge—means a discharge to the inland waters of less than 1000 gallons of oil; or a discharge to the coastal waters of less than 10,000 gallons of oil; or a discharge of a hazardous substance in a quantity less than that defined as reportable by regulation (40 CFR Part 117).

2) Medium discharge—means a discharge of 1000 to 10,000 gallons of oil to the inland waters; or a discharge of 10,000 gallons to 100,000 gallons of oil to the coastal waters; or a discharge of a hazardous substance equal to or greater than a reportable quantity as defined by regulations (40 CFR Part 117).

3) Major discharge—means a discharge of more than 10,000 gallons of oil to the inland waters; or more than 100,000 gallons of oil to the coastal waters; or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare, or results in critical public concern.

(s) United States—means the states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

## Subpart B—Responsibility

### § 1510.21 Federal responsibility.

(a) This Plan seeks to insure a coordinated Federal response at the scene of a discharge of oil or hazardous substance that poses a threat to the public health or welfare. In the event of a discharge, the Federal OSC shall first determine (under section 311(c)(1) of the Act) whether the person responsible for the discharge is taking proper action to remove the discharge or threat of discharge. If practicable, the OSC shall make the person responsible for the discharge aware of his financial responsibility. If the OSC determines that the person responsible for the discharge is taking proper action, the OSC shall monitor progress and provide advice. If the person responsible for the discharge does not act promptly or fails to take proper removal actions, of if the person responsible for the discharge is unknown, or if a substantial threat of discharge is considered to exist, further Federal response actions shall be undertaken in accordance with this Plan.

(b) Removal actions taken under section 311(c)(1) of the Act are limited to the areas described in § 1510.3(a). When a discharge or potential discharge that poses a threat to U.S. waters occurs outside the Plan's jurisdiction, the procedures of the Plan and those of regional and local plans apply to the extent practicable; removal will take place under other legal authorities.

(c) In accordance with section 311(d) of the Act, whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare, because of a discharge or an imminent discharge of large quantities of oil or a hazardous substance from a vessel, the United States may:

(1) Coordinate and direct all public and private efforts for the removal or elimination of the threat; and

(2) Summarily remove and, if necessary, destroy the vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. The authority for these actions has been delegated under Executive Order 11735 to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, for the waters for which each designates the OSC under this Plan.

(d) When the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure the relief necessary to abate the threat. The NRT may request EPA or the USCG to exercise this authority. The action described here is in addition to any other actions taken by a State or local government for the same purpose.

(e) Federal agencies with facilities or other resources which may be useful in a Federal response situation will make those facilities or resources available for use in accordance with this Plan and the regional and local plans. Federal resources shall be made available to the extent consistent with agencies' operational requirements, within the limits of existing statutory authority, and within the spirit of the President's and the Congress's intent to minimize discharges and their effects.

(f) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional and local contingency plans. In any circumstances not covered by regulations, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT. In his absence, the concurrence of the appropriate EPA Regional Administrator must be obtained.

(g) Response actions to remove discharges originating from Outer Continental Shelf Lands Act operations shall be in accordance with the August, 1971 Memorandum of Understanding between DOI and DOT concerning

respective responsibilities under this Plan.

(h) Discharges of radioactive materials shall be handled pursuant to the Interagency Radiological Assistance Plan.

**§ 1510.22 Duties of Federal agencies.**

(a) Each of the primary and advisory Federal agencies has duties established by Statute, Executive Order, or Presidential Directive which may be relevant to the Federal response to a pollution discharge. See Annex IV for a description of applicable legal authorities. Regional contingency plans shall call upon agencies to discharge these duties in a coordinated manner. They shall provide for:

(1) Identification of the statutory responsibilities of all agencies involved;

(2) Prompt notification of agency representatives in the event of a threatened or actual oil or hazardous substances spill;

(3) Designation of agency representatives to assist OSCs in developing local contingency plans; and

(4) Coordination of agency representatives with the OSC during a pollution incident (see § 1510.36(a)(3)).

(b) The following Federal agencies have specific duties and responsibilities which are relevant to a response to discharges of oil or hazardous substances:

(1) The Council on Environmental Quality is responsible for preparing, publishing, revising and amending the National Contingency Plan. The NRT will advise CEQ on necessary changes to the Plan and CEQ shall insure that any disagreements among members of the NRT are expeditiously settled.

(2) The Department of Agriculture provides expertise in managing forest and wilderness areas and in selecting landfill disposal sites. The Soil Conservation Service can provide to the OSC predictions of the effects of pollutants on soil and their movements over and through soil. U.S Forest Service personnel may act as OSC protem until relieved by the designated OSC.

(3) The Department of Commerce, through NOAA, provides support to the NRT, RRT, and OSC in the following areas: assisting EPA in the coordination of scientific support, including assessment of damages in the coastal regions and on the high seas; scientific expertise on living marine resources for which it is responsible, including endangered species and marine mammals (See section 1510.36(a)(3)); providing current and predicted meteorological, hydrologic, and oceanographic conditions for the high seas, coastal and inland waters; and providing maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes. When requested by NRT, DOC through MarAd will provide advice on the design, construction and operation of merchant ships.

(4) The Department of Defense, consistent with its operational requirements, may provide assistance in maintaining navigation channels, in the removal of navigation obstructions and in salvage. Upon request of the OSC, NRT or USCG, the services of the Supervisor of Salvage, USN will be provided as available for the cleaning and control of major oil spills.

(5) The Department of Energy administers, implements, and coordinates the Interagency Radiological Assistance Plan (IRAP). DOE will advise the NRT when assistance is required in identifying the source and extent of radioactive contamination, and in the removal and disposal of radioactive discharges.

(6) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance on discharges or potential discharges that pose a threat to public health and safety.

(7) The Federal Emergency Management Agency (FEMA) keeps track of pollution emergencies and evaluates requests from state governors for a major disaster declaration under Pub. L. 93–288 (42 U.S.C. 4401, *et seq.* ) If the President declares that a pollution emergency is a major disaster, or that a major disaster is imminent, the FEMA Administrator will coordinate and direct the Federal response.

(8) The Department of Interior, through the USGC, can provide expertise in the fields of oil drilling, producing, handling, and transportation by pipeline. The USGS supervises continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. Through its Pollution Response Coordinators, the Fish and Wildlife Service of DOI will provide technical expertise to the OSC and RRT on fish and wildlife and their habitats, including migratory birds, marine mammals and endangered and threatened plants and animals (See 1510.36(a)(3)). DOI is responsible for American Samoa and the Trust Territory of the Pacific Islands.

(9) The Department of Justice can provide expert advice on complicated legal questions arising from discharges and Federal agency responses.

(10) The Department of Transportation provides expertise on all modes of transporting oil and hazardous substances. Through the USCG, DOT offers expertise in the domestic/international fields of port safety and security, marine law enforcement, ship navigation and construction, and the manning, operation, and safety of vessels and marine facilities. The Coast Guard also maintains continuously manned facilities which can be used for command, control, and surveillance of oil discharges occurring on the waters of the United States or the high seas. For those areas where it provides the OSC, the Coast Guard chairs the RRT and develops, implements, and revises as necessary the regional and local contingency plans.

(11) The Department of State will lead in developing joint international contingency plans. It will also help to coordinate an international response when a pollution discharge crosses international boundaries or involves foreign flag vessels.

(12) The Environmental Protection Agency provides expertise on environmental effects of pollution discharges and environmental pollution control techniques. EPA will also advise the RRT and OSC on what degree of hazard a discharge poses to the public health and safety, and will coordinate scientific support, including assessment of damages, in the inland regions. For those areas where it provides the OSC, EPA chairs the RRT and develops, implements, and revises, as necessary, regional and local contingency plans. EPA will coordinate with DOT in the preparation of regional and local contingency plans on pollution control and protection of the environment.

(c) All Federal agencies are responsible for minimizing the possibility of discharges; for developing the capability to respond promptly to discharges from facilities they operate or supervise; and for making resources available for Federal pollution response operations.

(d) In addition to their general responsibilities under paragraph (c) of this section, primary agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation to the NRT and RRTs, and giving assistance to the OSCs in formulating regional and local contingency plans;

(3) Developing the operating capability for a rapid response to any

pollution discharge in coordination with other Federal agencies;

(4) Making necessary information available to the NRT, RRT or OSC and

(5) Informing the NRT and RRTs (consistent with National security considerations) of changes in the availability of resources that would affect the operation of this Plan.

(e) In addition to their general responsibilities under paragraph (c) of this section, advisory agencies are responsible for:

(1) Providing representation to the NRT and, when required to the RRTs, and giving assistance to the OSCs in formulating regional and local contingency plans;

(2) Developing the operating capability to respond with their particular expertise to any pollution discharge;

(3) Making necessary information available to the NRT, RRT or OSC; and

(4) Informing the NRT and the RRTs (consistent with National security considerations) of changes in the availability of resources that would affect the operation of this Plan.

**§ 1510.23 Non-Federal participation.**

(a) Every state governor is asked to assign an office or agency to represent the state on the RRT. The state's representative should participate fully in all facets of RRT activities and shall designate the element of the state government that will direct state supervised discharge removal operations. Participation of officials from municipalities with major ports and waterways is also invited in the RRT. State and local government agencies are encouraged to include contingency planning for discharge removal in all emergency and disaster planning. Federal local contingency plans required by this Plan shall provide for coordination with state and local governments. This is especially important for traffic control, land access, and disposal of pollutants in removal operations.

(b) States, industry groups, academic organizations, and others are encouraged to commit resources for removal operations. Specific commitments shall be listed in Federal regional and local contingency plans. EPA and the USCG should explore the possibility of concluding memoranda delegating responsibility to concerned states for clean-up of certain spills. Details on reimbursement to states for removal actions taken under to this Plan are contained in § 1510.65 and 33 CFR Part 153.

(c) It is particularly important to coordinate the technical information generated by scientists from the Federal and state governments, from industry, universities, and elsewhere to assist the OSC in developing clean-up strategies in environmentally sensitive areas; to assist in the performance of post spill damage assessments; and to assure that pertinent research will be undertaken to meet national needs. The scientific support aspect of this Plan is described in §1510.64.

(d) Federal local contingency plans should establish procedures to allow for well-organized and worthwhile employment of volunteers. Local plans should provide for the direction of volunteers by the OSC, or by other Federal, local or state officials knowledgeable in contingency operations and capable of providing leadership. Local plans should also identify specific areas in which volunteers can best be used such as: beach surveillance, logistical support, bird and wildlife treatment, and scientific investigations. Normally volunteers should not be used for physical removal of pollutants. If the substance discharged is toxic to humans, or if in the judgment of the OSC, other dangerous conditions exist, volunteers shall not be permitted at on-scene operations. Regional and local contingency plans should provide for routine education and training of volunteers so that training during an actual incident will not be necessary. Information on discharge and removal efforts should be provided to volunteers frequently during the course of planning to insure coordinated effort and meaningful participation.

## Subpart C—Organization

**§ 1510.31 Emergency response activities and coordination.**

(a) In a pollution emergency, the OSC is responsible for Federal on-scene coordination. He provides reports to and receives advice from an RRT composed of representatives from the regional and district offices of the primary and advisory agencies, the states, and local municipalities.

(b) National coordination is accomplished through the NRT which recieves reports from the renders advice to the RRT. Activities are coordinated through the national and regional response centers.

(c) The organization of this Plan is shown in Figure 1.

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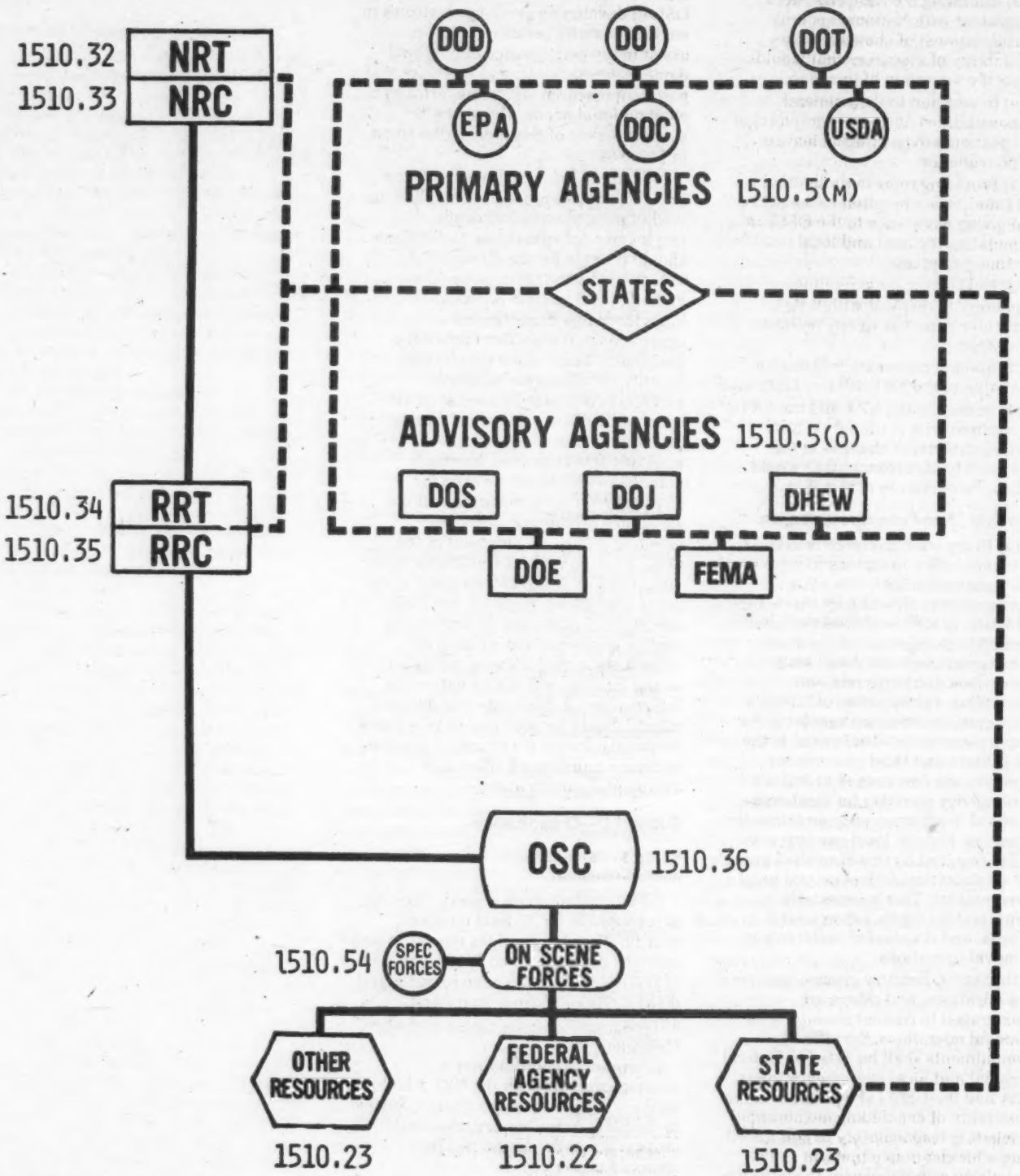
# NATIONAL CONTINGENCY PLAN CONCEPTS

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**§ 1510.32 National response team.**

(a) The NRT consists of representatives from the primary and advisory agencies. It is the national body for planning and preparedness before a pollution discharge and for coordination and advice during a discharge. Each primary and advisory agency shall designate a member to the team and sufficient alternates to insure representation.

(b) Except for periods of activation because of a pollution incident, the representative of EPA shall be the chairman and the representative of DOT shall be vice-chairman of NRT. The vice-chairman shall maintain records of the NRT activities along with National, regional and local plans for pollution response. When the NRT is activated for a pollution incident, the chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

(c) NRT meetings are open to the public. Upon invitation of the chairman and with the consent of members, non-government observers may participate without vote in any meeting of the NRT on matters of their direct concern. They shall be provided with reports issued by the NRT. Invitations to participate shall be given to a non-Government organization if:

(1) It can reasonably be expected to make a significant contribution to the work of the Team;

(2) The organization's work, past and present, has a direct relationship to the work of the Team; and

(3) The organization is not represented at the NRT through another organization.

(d) Normally, when the NRT is not activated for a pollution incident, it shall serve as a standing committee to evaluate the preparedness of the agencies and effectiveness of plans for responding to pollution discharges, to recommend needed policy changes in the response organization, and to revise this Plan as needed.

(1) The NRT shall consider and make recommendations to appropriate agencies on the training and equipping of response teams; necessary research, development, demonstration, and evaluation to improve response capabilities; and equipment, material stockpiling, and other operational matters as the need arises. CEQ shall be advised of any agency's failure to respond adequately to these recommendations.

(2) The NRT shall maintain a committee to suggest revisions of the NRT for consideration, approval and publication by CEQ. The primary agencies shall be members of this standing committee. Advisory agencies shall participate whenever revisions or proposed amendments would affect these agencies.

(3) Two scientific advisors shall be designated, one from EPA and one from DOC–NOAA, to advise the NRT on scientific matters related to pollution response, and to coordinate and oversee the regional scientific support mechanism (see § 1510.64).

(4) The NRT shall establish and maintain a Research and Development Committee to:

(i) Provide the latest information on Federal agencies' research, development, and demonstration activities for spill response and cleanup;

(ii) Respond to NRT requests for scientific and technical information;

(iii) Identify appropriate research and development initiatives;

(iv) Provide for information exchange between agencies on spill response research, development, and demonstration projects. The committee shall report to the NRT at the June and December meetings and at other times upon request.

(5) Ad hoc committees may also be established from time to time. Representatives from the primary agencies and any advisory agencies with direct involvement shall serve on these committees.

(e) Planning and preparedness responsibilities of the NRT are to:

(1) Make a continuing review of regional responses to pollution incidents, with an evaluation of equipment readiness and coordination among responsible public agencies and private organizations.

(2) Consider necessary changes in policy on the basis of the continuing review of regional responses to pollution incidents.

(3) Develop procedures to ensure the coordination of Federal, state, local government, and private responses to pollution incidents;

(4) Review regional plans and reports of activities from RRTs, and make sure that RRTs are functioning satisfactorily.

(5) Inform the Research and Development Committee on research requirements identified during discharges of unusual materials or unique circumstances;

(6) Continuously review and act upon reports by the Research and Development Committee;

(7) Maintain readiness to respond to a nationally significant discharge of oil or other hazardous substances;

(8) Monitor incoming reports from all RRT's and activate the NRT for a pollution incident when appropriate; and

(9) As a minimum, meet monthly to review pollution emergency response actions of the preceding period, receive reports from the Committee on Revision, the R & D Committees and ad hoc committees. Information on the time and place of meetings may be obtained from the National Response Center (see § 1510.33 below).

(f) The NRT shall be activated as an emergency response team when requested by any primary agency representative or when a discharge

(i) Exceeds the response capability of the region in which it occurs;

(ii) Transects regional boundaries; or

(iii) Involves significant numbers of people or nationally significant amounts of property.

When acting as an emergency response team, the NRT shall consist of representatives from the primary and selected advisory agencies. Each representative or an appropriate alternate shall be notified immediately by telephone of the emergency activation of the NRT.

(g) When activated for a pollution incident the NRT shall meet at the call of the Chairman and shall:

(1) Monitor and evaluate reports from the OSC. The NRT may recommend to the OSC, through the RRT actions to combat the discharge.

(2) Request other Federal, state, and local government, or private agencies to consider providing resources under their existing authorities to combat a discharge or monitor response operations.

(3) Coordinate the supply of equipment, personnel, or technical advice to the affected region from other regions or districts.

(4) Prepare public information releases and transfer information between the OSC and the Washington, D.C. headquarters of the agencies concerned. Public information is discussed in § 1510.37.

(h) The NRT shall consider any matter referred to it for settlement by an RRT, when the RRT cannot resolve the matter itself. Any member of an RRT may petition the NRT to review and give advice on matters considered by the RRT. Petitioning RRT members may appear before the NRT to present their arguments but shall not have the right to vote in NRT deliberations on the disputed matter.

**§ 1510.33 National Response Center.**

(a) The NRC is the national communications center for activities related to pollution incidents. It is located at the Washington, D.C. Headquarters of the USCG. Notice of discharges should be made through a toll free number, a special local number, or through telephone and teletype circuits. (Details appear below and in Annex V.) The NRC relays notices of discharge to the appropriate OSC. It disseminates OSC and RRT reports to the NRT when appropriate. It provides facilities for coordinating a national pollution emergency response when required.

(b) The Commandant, U.S.C.G., Coast Guard, shall provide the necessary communications, plotting facilities, and equipment. These will include:

(1) A continuously manned communication center for receiving reports of discharges;

(2) Telephone branch lines;

(3) Teletypewriter circuits;

(4) The latest updated charts of the Departments of Commerce, Interior and Defense for the U.S. waters, the Continental Shelf and the ocean areas adjacent to the U.S. Territorial waters;

(5) Technical library on oil and hazardous substances pollution (described in Annex VII); and

(6) Plotting and display facilities to depict the geographic position, movement, and extent of the discharge.

(c) The USCG shall furnish technical manuals and materials and necessary administrative support to operate the NRC effectively and efficiently.

(d) Primary agencies may use normal communication circuits to fulfill their responsibilities under the Plan. Telephone numbers for the primary notification offices of interested agencies will be maintained in NRC and in RRCs.

(e) First notice of a pollution discharge shall be made immediately (in accordance with 33 CFR 153.203) either to Duty Officer NRC, HQ USCG Washington, D.C., toll free telephone (800) 424–8802 or 426–2675 in the Washington, D.C. local calling area, or to the regional OSC. All notices of discharges received at the NRC shall be relayed immediately by telephone to the OSC. The NRC shall evaluate incoming information and immediately advise FEMA of potential disaster situations.

(f) Pollution Reports (POLREPS) shall be submitted by the RRT to the NRC as developments occur and not later than 1600 local time on each day of a pollution response operation. Pollution Reports shall be disseminated by the NRC to NRT members.

**§ 1510.34 Regional response team.**

(a) The RRT serves as the regional body for planning and preparedness actions before a pollution discharge and for coordination and advice during a pollution discharge. The RRT consists of regional representatives of the primary and selected advisory agencies, and state, local, and municipal representatives as appropriate. The full participation of high level representation from states and municipalities with major ports and waterways is desired. (See § 1510.23(a))

(b) Except when the RRT is activated for a pollution incident, the representative of EPA and DOT shall act as a co-chairmen. When the RRT is activated for a pollution incident, the chairman shall be the representatives of EPA or DOT, depending upon the area of the spill and the response.

(c) Each primary agency shall designate one member and at least one alternate member to the RRT. Participating states and local municipalities should also designate one member and at least one alternate member to the team. Each advisory agency will designate a member when it believes representation is appropriate or when requested to do so by the chairman. Agencies may also provide additional representatives as observers to meetings of the RRT. Persons representing primary and advisory agencies shall be specified in each regional contingency plan.

(d) Each RRT shall designate members from all primary and selected advisory agencies to work with OSC's in developing regional and local contingency plans, planning for the use of agency resources, and in responding to pollution incidents.

(e) The chairman of RRT shall ensure that the regional and local contingency plans adequately provide the OSC with assistance from the primary and advisory agencies commensurate with agencies' resources, capabilities and responsibilities within the region. During a pollution emergency the members of the RRT shall insure that the resources of their agencies are made available to the OSC as specified in the regional and local contingency plans.

(f) Affected states are encouraged to participate actively in all RRT activities (See § 1510.23(a), to designate representatives to work with OSCs in developing regional and local plans, planning use of state resources, and responding to pollution incidents. When the RRT is activated for a pollution emergency, affected states are invited to participate in all RRT deliberations. Any state or local government representative who participates in the RRT has the same status as any Federal member of the RRT.

(g) When not activated for a pollution incident, the RRT serves as a standing committee to recommend needed policy changes in the regional response organization, to revise the regional plan as needed, and to evaluate the preparedness of the agencies and the effectiveness of local plans for responding the pollution incidents. The RRT shall:

(1) Make a continuing review of regional and local responses to pollution incidents, with an evaluation of equipment readiness and coordination among responsible public agencies and private organizations;

(2) Recommend revisions to the National Contingency Plan to CEQ, via the NRT, on the basis of observations of response o perations;

(3) Consider necessary changes in policy on the basis of the continuing review of regional responses to pollution incidents;

(4) Develop procedures to insure the coordination of Federal, state, local government, and private responses to pollution incidents;

(5) Review the functioning of OSC's to insure that local contingency plans are developed satisfactorily;

(6) Be prepared to respond to a major discharge of oil or hazardous substances outside its region;

(7) Monitor incoming reports from all OSC's and activate the RRT when appropriate; and

(8) Meet quarterly to review response actions carried out during the preceding period, and consider changes in both regional and local contingency plans. In those regions having both coastal and inland RRTs, RRT meetings held in alternating quarters (inland in March, coastal in June, etc.) would meet this requirement.

(9) RRTs shall provide letter reports on their activities to the NRT twice a year, no later than January 31 and July 31. The reports will help to identify techniques and procedures that have worked well and subjects requiring improvement and should be passed on to other RRTs. At a minimum, reports will contain paragraphs covering—

(i) *Summary of Activities,* containing highlights of routine meetings and activations during the reporting period;

(ii) *Organizational Matters,* outlining improvements made since the last report. Organizational matters requiring NRT action should be included. RRT's are encouraged to add detailed accounts of successful procedures so that other RRT's may consider them for adoption; and

(iii) *Operations,* including recommendations, comments or observations on response methods, equipment, training or other operational matters which have not been addressed in the review of OSC reports.

(h) Each coastal RRT is required to conduct an annual training exercise in which response equipment is actually deployed. These exercises should use all existing capabilities in the local port area. Any funding required to support the exercise should be requested through the normal agency budget process. The RRT shall cooperate to the fullest extent possible in field exercises of member agencies.

(i) RRT's for inland regions are strongly encouraged to conduct an annual training exercise in which response equipment is actually deployed. RRT's for inland regions shall cooperate to the fullest extent possible in field exercises of member agencies.

(j) The RRT shall be activated as an emergency response team when a discharge—

(i) Exceeds the response capability available to the OSC in the place where it occurs;

(ii) Transects regional boundaries; or

(iii) Involves significant numbers of persons or regionally significant amounts of property. Regional Contingency Plans shall specify detailed criteria for activation of RRTs.

(k) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT may be activated during any other pollution emergency by an oral request from any RRT representative to the chairman of the team. Requests for team activation shall later be confirmed in writing. Each representative, or an appropriate alternate, shall be notified immediately by telephone when the RRT is activated. POLREPS to the NRC from RRTs shall include the time of team activation, method of activation (e.g., telephone) and place of assembly (if appropriate).

(l) When activated for a pollution incident, agency representatives shall meet at the call of the chairman and shall:

(1) Monitor and evaluate reports from the OSC. The RRT shall advise the OSC on the duration and extent of the Federal response and may recommend to the OSC specific actions to combat the discharge;

(2) Request other Federal, state or local government, or private agencies to consider providing resources under their existing authorities to combat a

discharge or monitor response operations;

(3) Help the OSC prepare information releases to the public and for communication with the Washington, D.C. headquarters of the agencies concerned. Public information is discussed in Section 1510.37;

(4) Advise the regional head of the agency providing the OSC if the circumstances or progress of a pollution discharge indicate that a different OSC should be designated; and

(5) Submit Pollution Reports (POLREPS) to the NRC as developments occur and not later than 1600 local time on each day of the operation.

(m) If any member of the RRT dissents from a decision of the RRT on a discretionary action pursuant to the Plan, or an interpretation of the Plan, that member may appeal the decision to the NRT in accordance with § 1510.32(h). The dissenting member shall notify the chair of the NRT of its appeal. During a major pollution discharge, a member who has pursued an appeal to the NRT may request further review by CEQ.

(n) The RRT shall be deactivated by agreement between the EPA and USCG team members. The time of deactivation shall be included in POLREPS.

(o) Boundaries for regional contingency plans shall follow those of the standard regions for Federal agencies as shown in Annex III. Boundaries for local contingency plans shall coincide with those agreed upon between EPA and the USCG to determine OSC areas of responsibility.

**§ 1510.35 Regional response center.**

(a) The RRC is the regional center for pollution response activities. Each regional plan shall specify quarters for the RRC. The RRC provides facilities and personnel for communications, information storage, and other requirements for coordinating the response to regional pollution incidents.

**§ 1510.36 On-scene coordinator.**

(a) The OSC shall coordinate and direct Federal pollution control efforts at the scene of a discharge or potential discharge. The OSC shall be predesignated, as part of the planning and preparation for response to pollution incidents, by the regional or district head of the agency responsible for providing the OSC.

(1) The first official from an agency with responsibility under this Plan to arrive at the site of a discharge shall coordinate activities under the Plan until the OSC arrives.

(2) The OSC shall collect pertinent facts about discharges, such as potential impacts on human health and welfare: the nature, amount, and location of discharged materials; the probable direction and time of travel of discharged materials, the natural resources, including fish and wildlife and their habitat, and property which may be affected and the priorities for protecting them.

(3) The OSC shall direct Phase II, Phase III and Phase IV operations; that is, Evaluation and Initiation of Action, Containment and Countermeasures, and Removal, Mitigation and Disposal (all Subpart E, Sections 1510.51–55 for descriptive details). Consistent with other responsibilities, the OSC shall coordinate with agency representatives on-scene who are carrying out their agency responsibilities. Advice provided by the EPA on the use of chemicals in Phase III and Phase IV operations shall be binding on the OSC, except as provided in Annex X of this Plan. Advice provided by the Fish and Wildlife Service (DOI) or by the National Marine Fisheries Service (Commerce) on cleanup actions that may affect endangered species shall be considered at all times and shall be binding on the OSC unless in his judgment actions contrary to this advice must be taken to protect human life.

(4) The OSC shall provide necessary support and documentation for Phase V activities (Documentation and Cost Recovery).

(5) The OSC will coordinate closely with the RRT in carrying out this Plan and will keep the RRT fully informed of all activities under the Plan.

(b) EPA and the USCG shall designate OSCs for all areas in each region. The EPA shall furnish or provide for OSCs on inland waters. The USCG shall furnish or provide for OSC's for the coastal waters, and for Great Lakes waters, ports and harbors.

(c) All Federal agencies are required by Executive Order to develop emergency plans and procedures for dealing with oil and hazardous substances spills caused by facilities or vessels under their jurisdiction. All Federal agencies, therefore, are responsible for designating the offices that will coordinate response actions for spills caused by facilities or vessels under their jurisdiction and for providing means to remove or mitigate such spills in accordance with this Plan and applicable Federal regulations and guidelines. If the responsible federal agency does not act promptly or take appropriate action, to respond to a spill caused by a facility or vessels under its jurisdiction, the EPA or USCG (depending on the area where the discharge occurs) shall assume the OSC functions.

(d) The OSC is responsible for developing and maintaining a local contingency plan for the area of his responsibility.

**§ 1510.37 Public information network.**

(a) When a major pollution incident occurs, it is imperative to give the public prompt, accurate information on the nature of the discharge and actions underway to mitigate the damage. Prompt disclosure of the facts helps to encourage cooperation by interested parties and to check the spread of misinformation. National administration policy and the Freedom of Information Act both call for maximum disclosure of information.

(b) When an RRT is activated, or upon the request of the OSC, a regional news office will be established. This office shall be the single source of official information on a pollution incident. The office will be staffed according to regional plans and agency directives. Whenever possible the regional news office will be headed by a representative of the agency providing the OSC. Any primary agency may, by request to the RRT, place a representative on the staff of the regional news office. The OSC shall determine location of the regional news office but every effort should be made to locate it near the scene of the pollution incident.

(1) The director of the regional news office shall coordinate all public information activities for the OSC. The director's functions include

(i) Arranging news conferences for the OSC and other officials to make progress reports and respond to questions;

(ii) Keeping local and regional government officials informed of the pollution situation through contacts with their press offices or other representatives;

(iii) Keeping news media informed about the response effort and giving them as much cooperation as possible, for example, by arranging transportation to the scene of a pollution incident when possible;

(iv) Issuing and distributing daily news releases as long as public interest warrants;

(v) Giving citizens who make inquiries up-to-date information from the latest press release;

(vi) Observing public reaction to the pollution incident and advising the OSC

of any actions that might better serve public information interests;

(vii) Handling queries from the general public and commercial interests properly and promptly;

(viii) Referring salesmen to technical personnel assigned to evaluate their wares;

(ix) Upon request, offering special public information services for official visitors, including notifying the news media of the time, place and purpose of official visits; making press conference arrangements; and arranging for interviews;

(x) Informing the public on the proper way to deal with individual problems and damages from the pollution incident; and

(xi) If necessary, drafting a model letter for primary agencies to use in answering mail inquiries, after the crisis has subsided. The model letter must be approved by the Chairman of the RRT.

(2) It is important for the regional news office to describe accurately in news releases each agency's contribution to the response effort, and to make sure that the various agencies assisting the OSC are represented at press conferences.

(3) The OSC on regional news office must establish contacts and a working relationship with the regional news media as part of preparation and planning before a pollution incident occurs.

(c)(1) A Public Information Assistance Team (PIAT) shall be available to help OSC's and regional agencies meet the demands for public information during a major pollution incident or threatened incident. Team members will be trained in journalism, public relations, and photography, and will have a knowledge of pollution response techniques, equipment, and the laws and regulations relating to pollution incidents. PIAT will be based at U.S. Coast Guard Headquarters and can be requested through the NRC any time.

(2) If the NRT has not been activated, the PIAT can serve as a center for answering inquiries in Washington, D.C., upon the request of the parent agency of the OSC.

## Subpart D—Plans

### § 1510.41 Regional contingency plans.

(a) The RRTs shall develop regional contingency plans for each standard Federal region. The purpose of these plans is coordination of a timely, effective response to pollution incidents by various Federal agencies and other organizations. Regional contingency plans must have a broad sweep. They must include information on all useful knowledge and facilities in the region, from government, commercial, academic and other sources. To the greatest extent possible, regional plans will follow the format of the National plan. An example of the format is in Annex II.

(b) Each region includes many scientists who can make significant contributions to the response activities of the OSC and RRT. Regional SSCs shall organize and coordinate these people and their contributions to the greatest extent possible. SSCs, with advice from RRT members, shall also develop the parts of the regional plan that relate to scientific support.

### § 1510.42 Local contingency plans.

(a) Each OSC is responsible for developing a local contingency plan for his area of responsibility. The plan should provide for a well-coordinated response by many organizations. The plan shall identify environmentally sensitive areas, the probable locations for pollution incidents, the kinds of resources required to respond to pollution incidents, where such resources can be obtained, plans of action for protecting vulnerable resources, methods and sites for disposal of recovered oil and hazardous pollutants consistent with local and state plans developed under the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), and a local structure for responding to pollution incidents. To the greatest extent possible, local plans will follow the sample format in Annex II.

(b) The OSC is primarily responsible for developing local plans, but a successful planning effort depends upon the full cooperation of all agency representatives, and includes the development of local capabilities to respond to pollution incidents. The RRT must ensure proper liaison between the OSC and local representatives of RRT members.

### § 1510.43 National inventory system.

A national inventory of pollution response and support equipment (SKIM) has been developed to help OSCs and RRTs gain rapid access to resources during emergencies. This inventory is accessible through the NRC, remote data terminals at Coast Guard Districts and Marine Safety Offices, and Captain of the Port offices. The inventory shall include privately or commercially owned equipment as well as government resources. Regional and local planners shall ensure that data in the system are current and accurate, so that OSCs can make full use of it during emergencies, with minimal delays in obtaining needed resources. The Coast Guard is responsible for keeping the national inventory up to date with information from the regional offices of federal agencies.

## Subpart E—Operational-Response Phases

### § 1510.51 Phase I—Discovery and notification.

(a) A discharge or potential discharge may be discovered through: (1) a report submitted by a discharger in accordance with statutory requirements; (2) deliberate search by vessel patrols and aircrafts; and (3) random or incidental observation by government agencies or the general public.

(b) A discharge or potential discharge discovered through deliberate search should be reported directly to the RRC. Reports of random discovery may be provided by fishing or pleasure boats, policy departments, telephone operators, port authorities, news media, or others. Such reports should be made to the NRC or the nearest USCG or EPA office.

Regional and local plans shall provide for all reports to be channeled to the NRC, RRC and appropriate state agency (as agreed to with each state) as promptly as possible. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to the other agency. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

(c) The agency furnishing the OSC for a particular area is responsible for implementing Phase I activities in that area.

### § 1510.52 Phase II—Evaluation and initiation of action.

(a) The OSC shall ensure that a report of a discharge or potential discharge is immediately investigated. On the basis of all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge or threat; (2) determine the feasibility of removal; and (3) assess the effectiveness of removal actions.

(b) When appropriate and as soon as possible after receipt of a report, the OSC shall advise the RRC of the need to initiate further Federal response actions. The actions may be no more than activation of the RRT, or a request for additional resources for further surveillance, or they may extend to Phase III or Phase IV containment or removal operations.

(c) The OSC shall ensure adequate surveillance over whatever actions are initiated. If effective actions are not being taken to eliminate the threat, or if removal is not being properly done, advise the responsible party. If the responsible party does not then take proper actions, or if the discharger is unknown or is otherwise unavailable, the OSC shall, pursuant to Section 311(c)(1) of the Act, take whatever actions are necessary to eliminate the threat or remove the pollutant.

**§ 1510.53 Phase III—Containment and countermeasures.**

(a) Defensive actions should begin as soon as possible after a discharge or potential discharge is discovered. These actions include protection of public health and welfare; procedures to control the source of discharge; measures to keep waterfowl and other wildlife away from the polluted area; damage control or salvage operations; placement of physical barriers to deter the spread of a pollutant; use of booms or barriers to protect specific installations or areas; control of the water discharged from upstream impoundments; and the use of chemicals and other materials, in accordance with Annex X, to restrain the spread of the pollutant and mitigate its effects.

**§ 1510.54 Phase IV—Cleanup, mitigation, and disposal.**

(a) Actions should be taken to recover the pollutant from the water and affected shorelines. These actions include: the use of sorbents, skimmers and other collection devices for floating pollutants; the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to mitigate damage from dissolved, suspended or emulsified pollutants; special treatment techniques to protect public water supplies or wildlife resources from continuing damage.

(b) Pollutants and contaminated materials recovered in cleanup operations shall be disposed of in accordance with local contingency plans (see § 1510.42(a)).

**§ 1510.55 Phase V—Documentation and cost recovery.**

(a) Documentation and cost recovery may involve a variety of actions, depending on the discharge. Recovery of Federal removal costs and recovery for damage done to Federal, state or local government property is included. Damages to private citizens (including loss of earnings) are not addressed by this Plan. OSCs shall furnish documentation required by the revolving fund administrator to support Federal efforts to recover costs from responsible parties. Procedures to be followed to fulfill documentation requirements are specified in the Coast Guard directive 16450.1 series.

(b) Information and samples needed for legal and scientific purposes shall be collected during this phase. Information and samples are necessary for later identification of financially responsible parties, for scientific understanding of the environment, and for research and development. The samples and information must be gathered at the proper time during the removal operations, because otherwise wind and current may disperse the evidence.

(1) All agencies shall follow uniform procedures, described in Annex VI, for collection of samples and information.

(2) The OSC shall take necessary actions during response phases to ensure necessary collection and safeguarding of information, samples, and reports.

(c) The information and reports obtained by the OSC shall be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others as appropriate.

**§ 1510.56 Pollution reports.**

(a) Within 60 days after the conclusion of a major pollution discharge and when requested by the RRT, the OSC shall submit to the RRT a complete report on the response operation and the actions taken. The OSC shall at the same time send a copy of the report to the NRT. The RRT shall review the OSCs report and submit the report and an endorsement to the NRT for review. This shall be accomplished within 30 days after the report has been received.

(b) The OSC's report shall accurately record the sifuation as it developed, the actions taken, the resources committed and the problems encountered. The OSC's recommendations, based on these experiences, are a source for new procedures and policy.

(c) The format for OSC's reports will be as follows:

(1) *Summary of Events.* This part is a chronological narrative of all events, including:

(i) The cause of the incident;

(ii) The initial situation;

(iii) The organization of the response; and

(iv) The resources committed.

These sections may be presented separately or included in the narrative. If applicable, the following information will also be included:

(i) The location (latitude and longitude) of the spill; whether the discharge was in connection with OCSLA or Deepwater Port Act activities; or whether it might have or actually did affect natural resources under the exclusive management authority of the U.S.;

(ii) Details of Federal or state efforts to replace or restore damaged natural resources; and

(iii) Details of any threat abatement actions taken under sections 311(c) or (d) of the Act.

(2) *Effectiveness of Response and Removal Actions.* This part should candidly and thoroughly analyze the effectiveness of the response and removal actions taken by:

(i) The discharger;

(ii) State and local forces;

(iii) Federal agencies and special forces; and

(iv) (if applicable) contractors, private groups and volunteers.

(3) *Problems Encountered.* This part should list any problems encountered and describe how they affected the response. Particular attention should be given to any problems of intergovernmental coordination that may have occurred.

(4) *Recommendations.* This section should include all recommendations of the OSC. An endorsement from the RRT shall be included. At a minimum the following areas should be covered;

(i) Means to prevent a recurrence of the incident;

(ii) Improvement of response actions.

Any recommended changes in the regional or National contingency plans should also be included.

**§ 1510.57 Special considerations.**

(a) Safety of personnel. Actual or potential polluting discharges threatening damage to air and water can also threaten human health and safety. The OSC should be aware of the hazards, should exercise great caution in allowing civilian or government personnel into the affected area until the nature of the substance discharged is known, and due caution should be exercised thereafter. Local contingency plans shall identify sources of information on anticipated hazards, precautions, and requirements to protect personnel during response operations. Names and phone numbers of people with relevant information shall be included.

(b) Waterfowl conservation. Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident and migratory bird species. The DOI representatives and the State liaison to the RRT shall arrange for and coordinate actions or

professional and volunteer groups wishing to participate in waterfowl dispersal, collection, cleaning, rehabilitation, and recovery activities. Regional and local contingency plans shall, to the extent practicable, identify organizations or institutions that are willing to participate in such activities and operate such facilities. Waterfowl conservation activities will normally be included in Phase III and Phase IV response actions (§§ 1510.53 and 1510.54 of this subpart).

## Subpart F—Coordinating Instructions

### § 1510.60 Delgation of authority.

(a) As provided by Annex X of this plan, EPA delegation of authority or concurrence in the use of chemical pollution control activities initially may be oral; however, written confirmation by the EPA representative on the RRT should be completed as soon as possible.

### § 1510.62 Multiregional actions.

(a) If a discharge or a potential discharge moves from the area covered by one local or regional contingency plan into another area, the authority for pollution control actions shall likewise shift if a polluting discharge or potential discharge affects areas covered by two or more regional plans, the response mechanism of both plans shall be activated. In this case, pollution control actions of all regions concerned shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one OSC at any time during the course of a response operation. Should a discharge affect two or more areas, the EPA and USCG will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. The RRT shall designate the OSC if members of the EPA and USCG are unable to agree on designation. The NRT shall designate the OSC if members of one RRT or of two adjacent RRTs are unable to agree on the designation.

### § 1510.63 General pattern of response actions.

(a) When the OSC receives a report of a discharge or potential discharge, he should normally take action in the following sequence:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Notify RRT members and the Scientific Support Coordinator, in accordance with the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the Act, whether the discharger (that is, the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs), is properly carrying out removal actions. Removal is being done properly when:

(i) The discharger's cleanup is fully sufficient to minimize or mitigate damage to the public welfare. The discharger's removal efforts are "improper" to the extent that Federal efforts are necessary to prevent further damage; and

(ii) The discharger's removal efforts are in accordance with applicable regulations and guidelines, including this Plan, especially Annex X.

(4) Officially classify the severity of the discharge and determine the course of action to be followed.

(5) Determine whether State action to effect removal is necessary within the meaning of section 311(c)(2)(H) of the Act (See § 1510.65(h)).

(b) The preliminary inquiry will probably show that the situation falls into one of five classes. These classes and the appropriate response to each are outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and no environmental pollution or potential pollution is involved, the case shall be considered a false alarm and should be closed.

(2) If the investigation shows a minor discharge with the discharger taking appropriate removal action, contact should be established with the discharger. The removal action should be monitored to insure continued proper action by the discharger.

(3) If the investigation shows a minor discharge with improper removal action being taken, the following measures shall be taken;

(i) An immediate effort should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If the discharger does not follow this advice, warning of the discharger's liability for the cost of removal, pursuant to Section 311(f), shall be given.

(iv) The OSC shall notify appropriate state and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with § 1510.55.

(4) When a report of investigation indicates that a medium discharge has occurred, or the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the chairman of the RRT.

(5) When a report indicates that a major discharge has occured, a potential major pollution emergency exists, or that a discharge or potential discharge which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. The RRC and NRT shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

### § 1510.64 Special forces.

(a) The National Strike Force (NSF) shall be established and consist of personnel trained, prepared, and available to provide necessary services to carry out this Plan. This NSF shall be formed around the Strike Teams established by the U.S. Coast Guard on the East, West and Gulf coasts. The NSF shall provide assistance to the OSC during Phase III, IV, and V operations as the circumstances of the situation dictate. When possible, the NSF will provide training to the emergency task forces (established pursuant to section 311(c)(2)(C) of the Act and defined below) and participate with the RRT in regional contigency plan development.

(1) The Strike Teams established by the U.S. Coast Guard can provide communications support, advice and assistance for oil and hazardous substances removal. These teams also have knowledge of ship salvage, damage control, diving and removal techniques.

(2) Emergency task forces shall be established by the agency responsible for providing the OSC. They shall consist of trained personnel with adequate supplies of oil and hazardous pollution control equipment and materials and detailed discharge removal plans for their areas of responsibility.

(3) The NSF will generally respond to requests for assistance from the OSC. Requests for the NSF may be made directly to the Commanding Officer of the appropriate Strike Team, the Coast Guard member on the RRT, the appropriate area commander, USCG, or to the Commandant, USCG through the NRC.

(b) The Environmental response Team (ERT) shall be established to advise the

OSC and RRT on environmental issues related to spill containment, cleanup and damage assessment. The team will have two components consisting of operations support and scientific support, and will include expertise in biology, chemistry, engineering, and, when necessary, meteorology and oceanography.

(1) Operations Support: Organized by EPA in accordance with EPA's disaster and emergency responsibilites, this segment of the team will provide advice on spill containment and cleanup, including: application of dispersants, habitat restoration, cleanup technique, cleanup priorities, disposal of contaminated material, water supply contamination, and special considerations pertaining to hazardous substances.

(2) Scientific Support: Organized by EPA and NOAA with assistance from DOI, this segment of the team will provide scientific assistance in spill damage assessment including: trajectory analysis, chemical analysis, location of environmentally sensitive regions, assessment of environmental damage and coordination of on-scene scientific activity. Science Support Coordinators (SSCs) will be designated by EPA for spills originating landward of the baseline from which the territorial sea is measured and by NOAA for spills originating seaward of the baseline from which the territorial sea is measured.

(3) In the event of a major discharge or a potential major discharge, the ERT–SSC shall be notified. Requests for the ERT operations support may be made to the EPA headquarters emergency coordinator or the appropriate regional emergency coordinator, or the EPA representative on the RRT. Requests for scientific support may be made through the procedures outlined below.

(c) EPA and NOAA, in consultation with FWS, shall designate the SSCs who will work in conjunction with each RRT to establish and maintain a scientific support structure. This standby scientific support force can assist OSCs in carrying out their responsibilities in environmentally sensitive areas, and assist the EPA and other agencies having a responsibility for performing post spill damage assessment. These regional networks form a National net which can be called into action to the extent necessary if an incident is beyond the capabilities of the affected region. The SSCs shall be designated to perform the following duties:

(1) Make contact with the scientific community in the region to determine its ability to provide scientific assistance to OSCs and to perform any damage assessments which may be necessary.

(2) Identify scientists in the region who are interested in a continuing research effort in conjunction with a spill.

(3) Develop those portions of the regional plan dealing with scientific support of OSCs and of the agencies responsible for performing damage assessment at pollution incidents.

(4) In cooperation with the scientific community in the region, identify the research necessary both to support the OSC in migitating impacts and to improve the existing capability to support damage assessment.

(5) Notify and coordinate scientific personnel responding to OSC requests for assistance and to agency requests through the RRT for performance of damage assessments.

(6) Evaluate the potential for research and development projects at a spill; arrange for and coordinate such efforts as necessary.

(7) Coordinate all other scientific efforts being performed in the area of the spill by Federal and state agencies and by private organizations acting under other programs or authorities.

(8) Serve as the coordinate for all advice from the scientific community to the OSC. Where minority views within the scientific community exist, the OSC will insure that they are appropriately communicated to the OSC.

(d) Requests for regional scientific support for discharges affecting areas within the baseline from which territorial seas are measures should be directed to the appropriate regional EPA SSC. Requests for regional scientific support for spills seaward of the baseline should be directed to the appropriate regional NOAA SCC. When a response is initiated, direct liaisons between OSCs and SSCs is authorized but should be followed, as soon as practicable, by contact between the relevant RRT representatives.

(e) SSCs shall advise OSCs of individuals who, during localized response actions, can provide scientific advice in identifying and assessing the effects of spills on environmentally sensitive areas.

**§ 1510.65 Funding.**

(a) If the person responsible for the discharge or threat of discharge does not act promptly, or take proper removal actions, or if the person responsible for the discharge is unknown, Federal discharge removal actions may begin under section 311(c)(1) of the Act. The discharger, if known, is liable for the costs of Federal removal in accordance with section 311(f) of the Act.

(b) Actions undertaken by the primary agencies in reponse to pollution shall be carried out under existing programs and authorities insofar as practicable. This Plan intends that Federal agencies will make resources available, expend funds, or participate in responses to pollution incidents under their existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements. Specific interagency reimbursement agreements may be signed when necessary to ensure that the Federal resources will be available for a timely response to a pollution incident.

(c) A pollution revolving fund, administered by the Commandant, USCG, has been established pursuant to section 311(k) of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR § 153. The OSC shall exercise adequate control of removal operations so that he can certify that reimbursement from the fund is appropriate. The OSC must take care to avoid misunderstandings by agencies about reimbursement of funds expended for removal activities. The OSC should not request services for which reimbursement is mandatory unless he knows that reimbursement funds are available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before planning to commit resouces that require reimbursement.

(d) Funding of response actions other than removal, such as scientific investigations, or law enforcement shall be provided by the agency with legal responsibility for those specific actions.

(e) The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility or vessel is the responsibility of the operating or supervising agency.

(f) The following agencies have funds available for certain discharge removal actions.

(1) The EPA can provide funds to begin timely discharge removal actions when the OSC is an EPA representative. Because EPA does not have funds authorized for this purpose, operating program funds may be used to initiate Phase III and IV activities; funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Oil and Special Materials Control Division at EPA.

(2) The U.S. Coast Guard pollution control efforts are funded under "operating expenses." These funds are

used in accordance with agency directives and applicable regional plans.

(3) The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

(i) Funds required for removal of a sunken vessel or similar obstruction of navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

(ii) The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

(g) Certain emergency response activities under this plan may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster emergency," the President may allocate funds from his Disaster Relief Fund, managed by the Administrator, Federal Emergency Management Agency. The Administrator may then authorize certain reimbursements to Federal agencies for assistance provided under direction of his office. (See Title 24, CFR Chapter XIII, Part 2201, "Reimbursement of Other Federal Agencies under Pub. L. 91–606 (For use under Pub. L. 93–288 until revised)."} The Administrator, FEMA, may also make financial assistance available to State governments and, through the States, to local governments (See Title 24, CFR Chapter XIII, Part 2205, "Federal Disaster Assistance").

(h) Pursuant to section 311(c)(2)(H) of the Act, the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and may, pursuant to 33 CFR Section 153, be reimbursed from the pollution revolving fund for the reasonable costs incurred in such removal.

(1) Removal by a State is necessary within the meaning of section 311(c)(2)(h) of the Act when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs cannot effect removal properly and that:

(i) State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

(ii) Removal or partial removal can be done by the State at a cost which is less than or not significantly greater than the cost which would be incurred by the Federal departments or agencies.

(2) State removal actions must be in compliance with Annex X of this Plan in order to qualify for reimbursement.

(3) State removal actions are considered to be Phase III or Phase IV actions, under the same definitions applicable to Federal agencies.

(4) Actions taken by local government in support of Federal discharge removal operations are considered to be actions of the State for purposes of this section.

(i) Regional and local contingency plans shall show what funds and resources are available from participating agencies under various conditions and cost arrangements. Interagency agreements may be necessary to specify when reimbursement is required.

**Annex I—1100 Distribution**

1101 Plan Distribution

1101.1 This Plan will be distributed to designated offices of Primary and Advisory Agencies, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

1101.2 Included in this formal distribution are the following:

Department of Commerce
Department of Defense
Department of Energy
Department of Health, Education, and Welfare
Department of the Interior
Department of Justice
Department of State
Department of Transportation
Department of Agriculture
Federal Emergency Management Agency
All state representatives to Regional Response Teams
All state water pollution control agencies
All interstate water pollution control agencies
Other Federal, state, local and private agencies and organizations, as appropriate

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, distribution and format.

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number of letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used but supersession will be indicated at the bottom of the first page.

**Annex II—Formats for Regional and Local Contingency Plans**

*Regional Contingency Plan*

Letter of Promulgation
Record of Amendments
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104 Abbreviations
105 Definitions
200 Policy and Responsibility
201 Federal Policy
202 Multi-National Policy
203 Federal Responsibility
204 Non-Federal Responsibility
300 Planning and Response Organization
301 Spill Response Activity and Cooperation—General
302 Regional Response Team
303 Regional Response Center
304 On-Scene Coordination
305 Special Forces
400 Coordinating Instructions
401 Delegation of Authority
402 Notification
403 Multi-regional Responses
404 Multi-national Responses
405 Coordination with Special Forces
406 Termination of Response Activities
407 Resolution of Disputes
500 Procedures for Reviewing and Updating the Regional and Local Contingency Plans
501 Responsibility
502 Procedures for Review
Annex I—1100 Distribution
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Annex III—1300 Regional Response Center
Annex IV—1400 Geographical Boundaries
Annex V—1500 Notifications, Communications and Reports
Annex VI—1600 Public Information
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Annex VIII—1800 Documentation for Enforcement and Cost Recovery
Annex IX—1900 Funding
Annex X—2000 Cleanup Techniques and Policies
Annex XI—2100 Arrangements for Participation of Non-Federal Groups

Annex XII—2200 Interagency Support Agreements/Arrangements
Annex XIII—2300 State Contingency Plans
Annex XIV—2400 Multi-national Contingency Plans
Annex XV—2500 Regional Data Base
Annex XX—9000 National Contingency Plan

*Local Contingency Plans*

Letter of Promulgation
Record of Amendments
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302 Transfer, Storage and Processing Facilities
303 Historical Spill Considerations
304 Hydrological and Climatological Considerations
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307 Local Response Resources
308 Waterfowl Conservation
309 Endangered Species
400 Response Organization
500 Operational Response Actions
600 Coordination Instructions
601 Delegation of Authority
602 Notification
603 Coordination with Special Forces
604 Termination of Response Activities
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700 Procedures for Reviewing and Updating the Local Contingency Plan
Annex I—1100 Distribution
Annex II—1200 Pollution Response Bill
Annex II—1300 Geographical Boundaries
Annex IV—1400 Notification, Communications, and Reports
Annex V—1500 Public Information
Annex VI—1600 Documentation for Enforcement and Cost Recovery
Annex VII—1700 Funding
Annex VIII—1800 Cleanup Techniques and Policies
Annex IX—1900 Arrangements for Non-Federal Groups
Annex X—2000 Interagency Support
Annex XI—2500 Geographic/Action Director
Annex XVI—2600 Response/Assistance Directory

**Annex III—Regions and Office Locations of Primary Agencies**

**1300 Geographical Boundaries**

Regional contingency plans shall be based upon the Standard Federal Regions. Local plans shall be based upon the subregional area, for which each OSC is responsible for responding to pollution incidents. These plans are available for inspection at EPA regional offices or U.S. Coast Guard district offices as shown in 1301 and 1302. Other agencies' addresses and telephone numbers may be found in the United States Government Manual (issued annually) or in the local telephone directories of cities shown on the maps included in this Annex. EPA, HEW, and HUD regional geographical boundaries follow this delineation.

1301 Environmental Protection Agency—Office addresses, telephone numbers, and map.
1302 Department of Transportation—United States Coast Guard district offices, addresses, telephone numbers and map.
1303 Department of Commerce
1304 Department of Defense—maps.
1304.1 U.S. Army Corps of Engineers
1304.2 U.S. Army Continental Army Commands
1304.3 U.S. Naval Districts
1304.4 U.S. Air Force Reserve Regions
1305 Department of the Interior—maps.
1305.1 Field Committee Regions
1305.2 U.S. Geological Survey—Area and District Offices.
1305.3 U.S. Fish and Wildlife Service—Regions and Regional Offices.
1306 U.S. Department of Agriculture—Forest Service Regions

**1301 Environmental Protection Agency Regional Offices**

Environmental Protection Agency, Region I, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203. Tel: (617)223–7265.
Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, NY 10007. Tel: (201)548–8730.
Environmental Protection Agency, Region III, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106. Tel: (215)597–[illegible].
Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, GA 30308. Tel: (404)881–4062.
Environmental Protection Agency, Region V, 536 South Clark Street, Chicago, IL 60605. Tel: (312)896–7591.
Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, TX 75270. Tel: (214)767–2666.
Environmental Protection Agency, Region VII, 25 Funston Road, Kansas City, MO 66115. Tel: (816)374–3778.
Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln St., Denver, CO 80295. Tel: (303)837–3880.
Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105. Tel: (415)556–7858.
Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101. Tel: (206)442–1200.

**1302 Department of Transportation U.S. Coast Guard Districts**

1st Coast Guard District, 150 Causeway St., Boston, MA 02114. Duty Officer: (617)223–6650.
2nd Coast Guard District, 1430 Olive St., St. Louis, MO 63101 Duty Officer (314)622–4614.
3rd Coast Guard District, Governors Island, New York, NY 10004. Duty Officer: (212)668–7055.
5th Coast Guard District, Federal Building, 431 Crawford St., Portsmouth, VA 23705. Duty Officer: (804)398–6231.
7th Coast Guard District, Room 1018, Federal Bldg., 51 SW 1st Avenue, Miami, FL 33130. Duty Officer: (305)350–5611.
8th Coast Guard District, Hale Boggs Federal Bldg., 500 Camp St., New Orleans, LA 70130. Duty Officer: (504)527–6225.
9th Coast Guard District, 1240 East 9th St., Cleveland, OH 44199. Duty Officer: (216)522–3984.
11th Coast Guard District, Union Bank Bldg., 400 Oceangate Blvd., Long Beach, CA 90822. Duty Officer: (213)590–2311.
12th Coast Guard District, 630 Sansome St., San Francisco, CA 94126. Duty Officer: (415)556–5500.
13th Coast Guard District, 915 2nd Avenue, Seattle, WA 98174. Duty Officer: (206)524–2902.
14th Coast Guard District, Prince Kalanianaole Federal Bldg., 300 Ala Moana, Honolulu, HI 96850. Duty Officer: (808)546–7109. (COMMERCIAL ONLY) AUTOVON—421–4845.
17th Coast Guard District, P.O. Box 3–5000, Juneau, AK 99802. Duty Officer: (907)586–7340. (COMMERCIAL ONLY) AUTOVON—388–1121.

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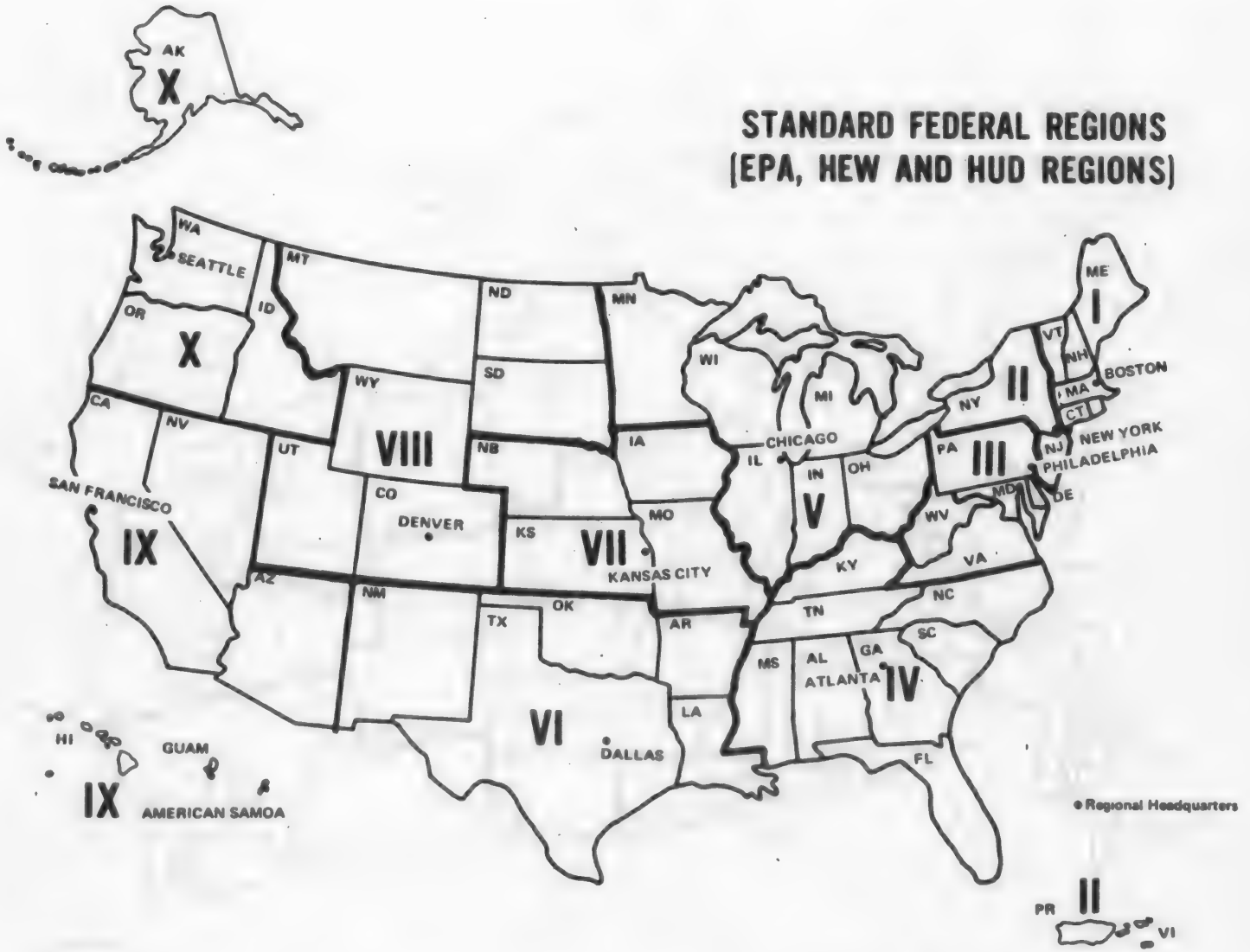
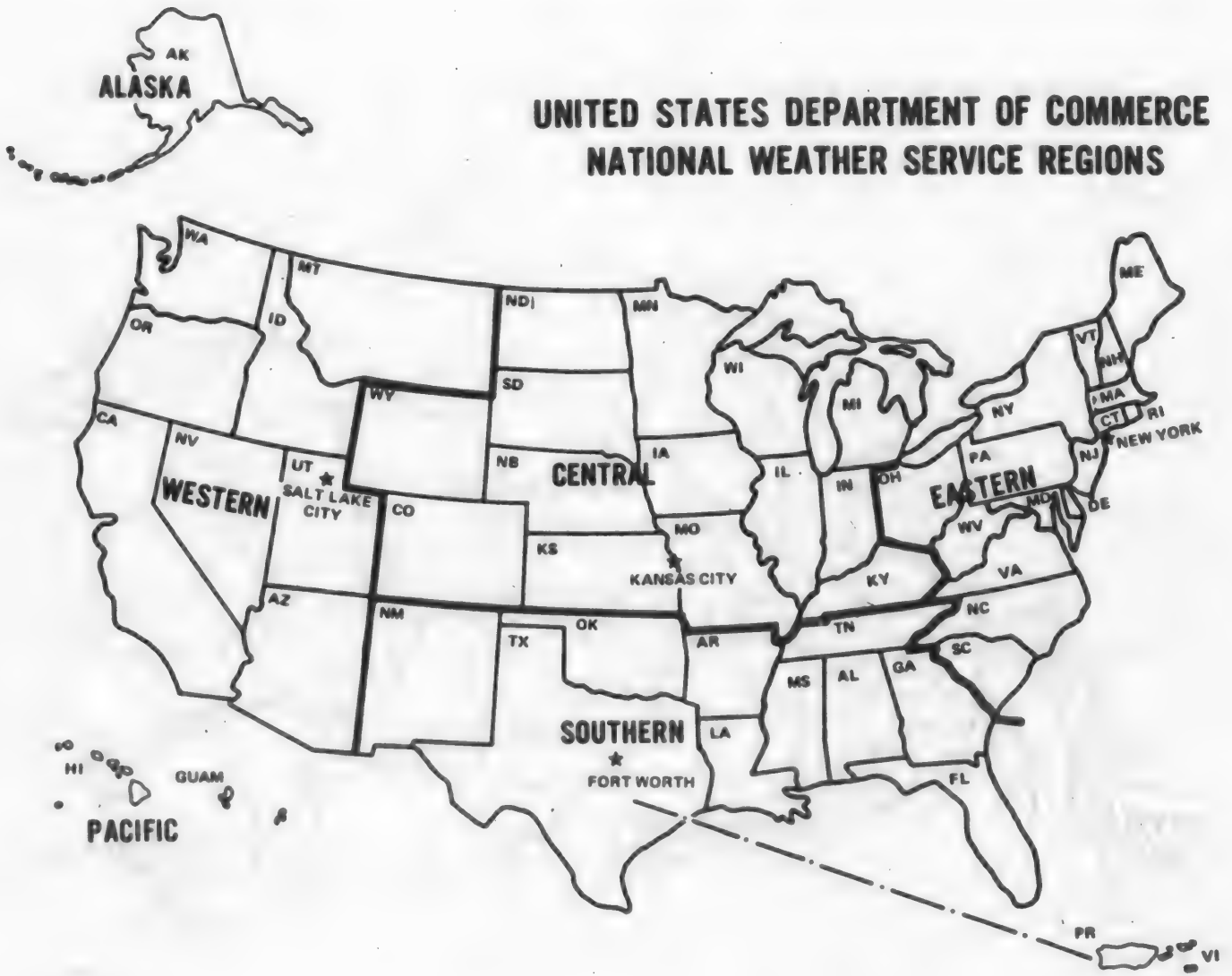
# STANDARD FEDERAL REGIONS
# (EPA, HEW AND HUD REGIONS)




1301.1

# UNITED STATES DEPARTMENT OF TRANSPORTATION
# U. S. COAST GUARD DISTRICTS

1302.1


UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL WEATHER SERVICE REGIONS
ALASKA
AK
WESTERN
CENTRAL
EASTERN
SOUTHERN
PACIFIC
SALT LAKE CITY
KANSAS CITY
NEW YORK
FORT WORTH
GUAM
HI
PR
VI
WA
OR
CA
ID
NV
MT
WY
UT
AZ
CO
NM
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WV
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FL
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1303.1

UNITED STATES ARMY
CORPS OF ENGINEERS
AK
WA
NORTH PACIFIC
PORTLAND
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MT
ND
MN
NORTH CENTRAL
WI
MI
NY
ME
NEW ENGLAND
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WALTHAM
MA
CT
NEW YORK, NY
WY
MISSOURI RIVER
SD
NB
OMAHA
IA
CHICAGO
IL
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PA
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NORTH ATLANTIC
CA
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SOUTH PACIFIC
SAN FRANCISCO
CINCINNATI
WV
VA
OHIO RIVER
NC
TN
AZ
NM
OK
TX
AR
SOUTHWESTERN
SC
ATLANTA
AL
VICKSBURG
LA
SOUTH ATLANTIC
DALLAS
FL
HONOLULU
HI
GUAM
PACIFIC OCEAN
LOWER MISSISSIPPI VALLEY
CZ
PR
VI
★ Division Offices

1304.1

UNITED STATES ARMY
Continental Army Commands
ME
VT
NH
MA
CT
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DE
MD
NY
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WV
VA
NC
SC
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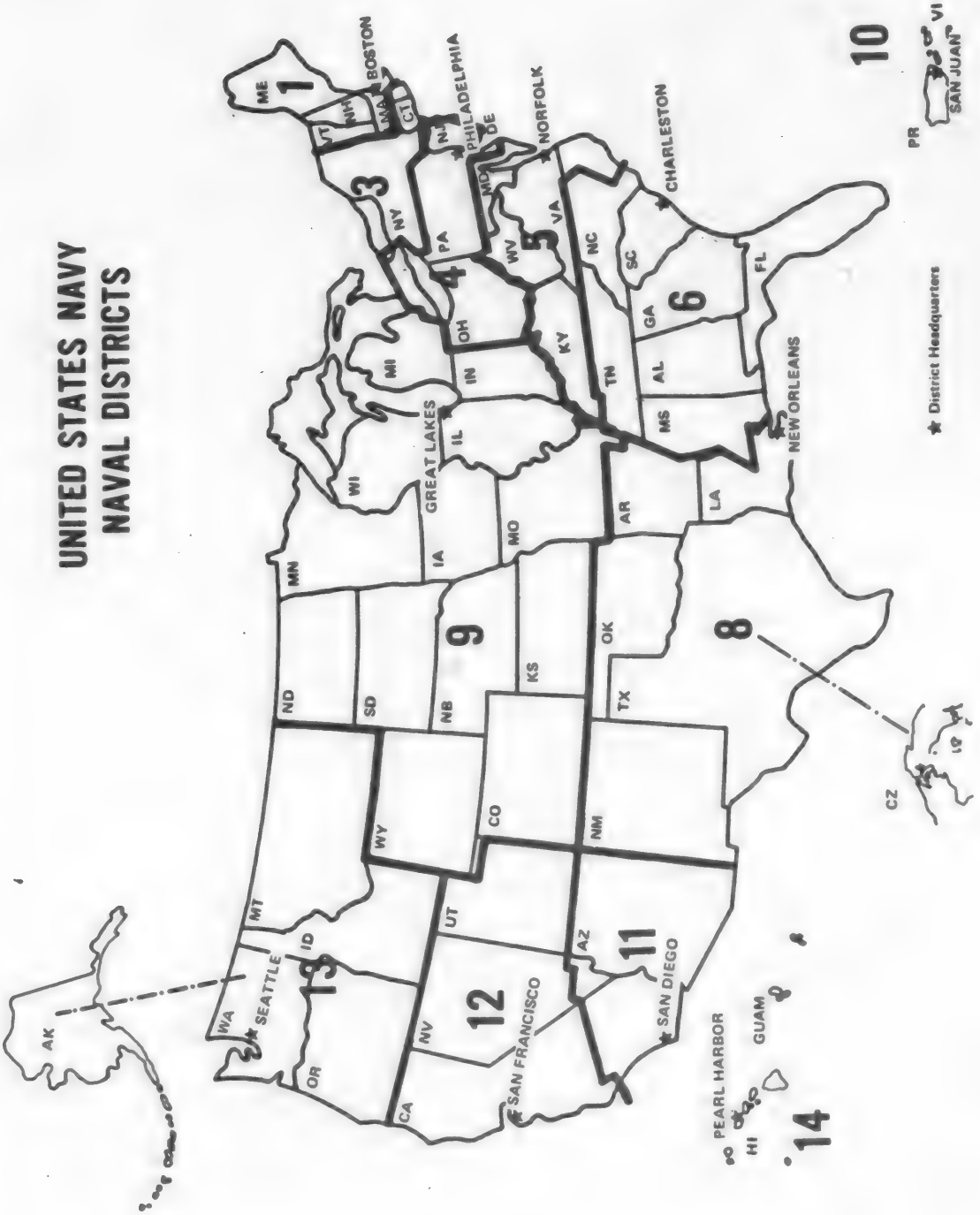
FT. GEORGE MEADE
FT. SAM HOUSTON
PRESIDIO OF SAN FRANCISCO
★ Continental Army Area Headquarters

1304.2


UNITED STATES NAVY
NAVAL DISTRICTS
ME
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★ District Headquarters

1304.3

# UNITED STATES AIR FORCE RESERVE REGIONS

1304.4

# DEPARTMENT OF THE INTERIOR
# FIELD COMMITTEE REGIONS

1305.1

AK
ALASKA AREA
ANCHORAGE
UNITED STATES DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY
CONSERVATION DIVISION REGIONS
WESTERN
CENTRAL
EASTERN
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PA
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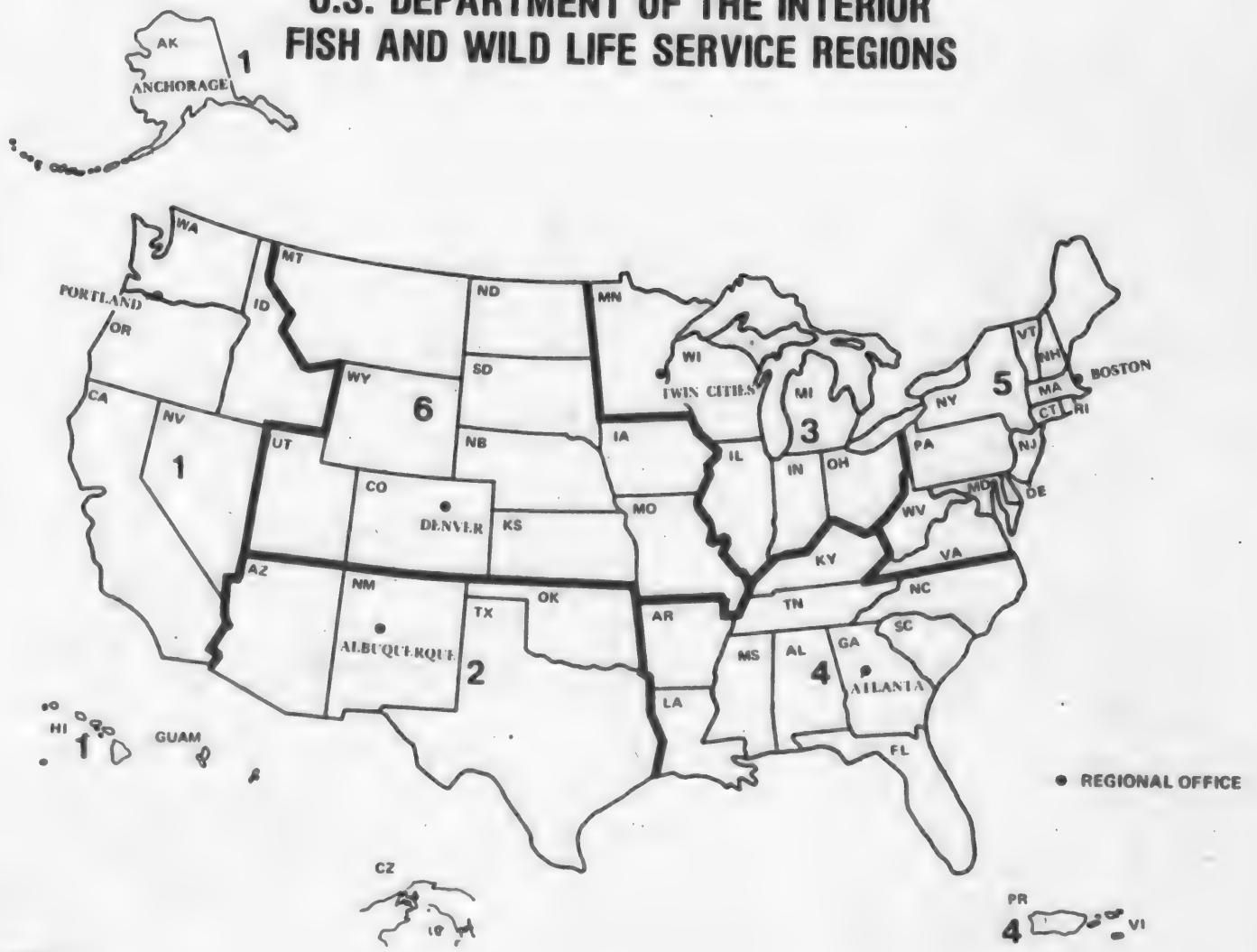
NJ
CT
MA
VT
NH
ME
MENLO PARK
DENVER
WASHINGTON D. C.

1305.2

# U.S. DEPARTMENT OF THE INTERIOR
# FISH AND WILD LIFE SERVICE REGIONS




1305.3

# U.S. DEPARTMENT OF AGRICULTURE
# FOREST SERVICE REGIONS

1306

BILLING CODE 3125-01-C

| | Statute | Agency(ies) | |
|---|---|---|---|
| 1411 | Federal Water Pollution Control Act, as amended (33 USC 1251, et. seq.). | EPA, USCG, CORPS. | Justice |
| 1412 | Safe Drinking Water Act amendment to the Public Health Service Act (42 USC 201). | EPA | |
| 1413 | Refuse Act of 1899 (33 USC 407; 411) | CORPS, USCG. | Customs, Justice |
| 1414 | Toxic Substances Control Act, 1976 (15 USC 2601) | EPA | |
| 1415 | Resource Conservation and Recovery Act, 1976 (42 USC 6901). | EPA | |
| 1416 | Marine Protection, Research and Sanctuaries Act of 1976 (33 USC 1401 et. seq.). | EPA, USCG | NOAA, CORPS |
| 1417 | Hazardous Materials Transportation Act of 1974 (49 USC 1801 et. seq.). | DOT | |
| 1418 | Ports and Waterways Safety Act of 1972 (33 USC 1221, et. seq.). | USCG | |
| 1419 | Federal Insecticide, Fungicide and Rodenticide Act of 1972 (7 USC 121 et. seq.). | EPA | |
| 1420 | Deepwater Port Act of 1974 (33 USC 1501 et. seq.) | DOT, DOI | |
| 1421 | Outer Continental Shelf Lands Act as amended (43 USC 1331). | DOI, DOT | |
| 1422 | Oil Pollution Act of 1961, as amended (33 USC 1001-10015). | USCG, Customs. | CORPS, State |
| 1423 | Endangered Species Act of 1973, as amended (16 USC 1531). | FWS, NOAA | |
| 1424 | Intervention on the High Seas Act (33 USC 1471-1487) | USCG | |
| 1430 | Related Federal statutes, not specific to oil and hazardous substances pollution control but, nonetheless, applicable to discarge prevention and cleanup in certain cases are: | | |
| 1431 | Disaster Relief Act of 1974 | FEMA, All Federal Agencies. | |
| 1432 | US Navy Ship Salvage Authority (10 USC 7361) | US Navy | |
| 1440 | Important International Conventions and Agreements relative to oil and hazardous substances pollution control and liability are: | | |
| 1441 | International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and amendments. | | |
| 1442 | Convention of the Territorial Sea and the Contiguous Zone | | |
| 1443 | Convention between the Government of the United States and the Government of Japan for the protection of Migratory Birds in Danger of Extinction, and Their Environment | | |
| 1444 | Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. | | |

**Annex IV**

1400 Legal Authorities

1400.1 Federal statutes relative to control of pollution by oil and hazardous substances are administered by several departments and agencies. The following is a tabular summary of the most important of these authorities:

**Annex V—Communication Services Available in National Response Center**

1501 Telephone (voice) services available include:

1501.1 Commerical telephone available 24 hours per day, toll free (800) 424-8802 (or 426-2675 in the Washington, D.C. local calling area);

1501.2 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1501.3 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1501.4 FTS—GSA operated government administrative telephone system; and

1501.5 SARTEL—Search and Rescue Command Coordination telephone

network including leased Hotline telephone net extending from Halifax to New Orleans.

1502 Teletype writer services available include:

1502.1 AUTODIN—A worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1502.2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate search and rescue incidents and to handle other operational traffic and priority administrative communications);

1502.3 SARPAC—Same as 2.2 for the West Coast U.S.; and

1502.4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and government offices. TELEX also permits direct connections.

1502.5 TWX—Teletypewriter exchange service provided by Western Union. Its service and capabilities are similar to those provided by TELEX.

**Annex VI—Sample Collection Procedures**

1601 Sample collection procedures to be followed by OSC

1601.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1601.2 In taking such samples, the following procedures are to be followed in all cases:

1601.2–1 Glass of other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Pollutants other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises as to the appropriateness of any packaging material.

1601.2–2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1601.2–3 Some explanatory notes covering the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, wit the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1601.2–4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1601.2–5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested). Apropriate analytical laboratories are designed in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

**Annex VII—1700 Technical Information**

1701 Technical library.

1701.1 A technical library of pertinent pollution control documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

1702 Specific references.

1702.1 As a minimum, the following reference documents will be maintained in the NRC and in each RRC technical library.

1702.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

1702.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

1702.1–3 Current Directory of the American Council of Independent Laboratories.

1702.1–4 Encyclopedia of Chemical Technology, 22 Vol., Kirkothmer, 2nd edition c1963–1971, John Wiley & Sons, New York, New York.

1702.1–5 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388).

1702.1–6 U.S. Corps of Engineers' Regulations ER500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

1702.1–07 Federal Disaster Assistance Program-Handbook for Applicants FDAA 3300.1, July 1973.

1702.1–8 Federal Disaster Assistance Program-Eligibility Handbook 3300.2, July 1973.

1702.1–9 Federal Disaster Assistance Program-Handbook for State and Federal Officials 3000.4, December 1973.

1702.1–10 Handbook of Toxicology (National Academy of Sciences/National Resource Council).

1702.1–11 46 CFR–146. Transportation or Storage of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

1702.1–12 33 CFR, 3, 5, 121, 122, 146–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

1702.1–13 33 and 40 CFR parts implementing section 311 of the Federal Water Pollution Control Act, as amended.

1702.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data Systems (TADS) and the USCG Chemical Hazard Response Information System (CHRIS).

**Annex VIII—Definitions of Terms**

1801 API gravity. An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

1802 Ash. Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

1803 Asphalts. Black, solid or semi-solid, bitumens which occur in nature or are produced as residues during petroleum refining.

1804 Bilge oil. Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the hull plating. Usually mixed with larger quantities of water.

1805 Blowout. A sudden, violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

1806 Boiling point. The temperature at which the vapor pressure of a liquid is equal to atmospheric pressure.

1807 Bunker "C" oil. General term used to indicate a heavy viscous fuel oil.

1808 Bunker fuel. General term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

1809 Bunkering. The process of loading fuel aboard ship.

1810 Coker feed (or fuel). A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

1811 Conversion tables. (Approximate Conversions).

| Materials | Barrels Per Ton (Long) |
|---|---|
| Crude oils | 6.7–8.1 |
| Aviation gasolines | 8.3–9.2 |
| Motor gasolines | 8.2–9.1 |
| Kerosenes | 7.7–8.3 |
| Gas oils | 7.2–7.9 |
| Diesel oils | 7.0–7.9 |
| Lubricating oils | 6.8–7.6 |
| Fuel oils | 6.6–7.0 |
| Asphaltic bitumens | 5.9–6.5 |

(As a general rule-of-thumb, use 6.5 barrels or 250 gallons per ton of oil.)

1812 Crude oil. Petroleum as it comes from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

1813 Demulsibility. The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

1814 Density. Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

1815 Emulsion. A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external phase. Oil in water emulsions have oil as the internal phase.

1816 Fire point. The lowest temperature at which an oil vaporizes rapidly enough to burn for at least *5 seconds* after ignition, under standard conditions.

1817 Flash point. The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

1818 Fraction. Refinery term for a product of fractional distillation having a restricted boiling range.

1819 Fuel oil grade. Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. Number 1 and Number 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. Number 5 and Number 6 oils are semi-solids that must be liquified by heating. Kerosene, coal oil, and range oil are all Number 1 oil. Number 3 is no longer used as a standard term for fuel oil.

1820 Innage. Space occupied in a product container.

1821 In personem. An action in personem is instituted against an individual, usually through the personal service of process, and may result in the imposition of liability directly upon the person of a defendant.

1822 In rem. An action in which the vessel or thing itself is treated as the offender and made defendent without any proceeding against the owners or even mentioning their names. The decree in an action in rem is enforced directly against the condemnation and sale thereof.

1823 Load on Top (LOT). A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

1824 Oil films. A slick thinner than .0001 inch and may be classified as follows:

| Standard term | Gallons of oil per square mile | Appearance |
|---|---|---|
| "Barely visible" | 25 | Barely visible under most favorable light conditions |
| "Silvery" | 50 | Visible as a silvery sheen on surface water |
| "Slightly colored" | 100 | First trace of color may be observed |
| "Brightly colored" | 200 | Bright bands of color are visible |
| "Dull" | 666 | Colors begin to turn dull brown |
| "Dark" | 1333 | Much darker brown |

Note.—Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

1825 Outage. Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

1826 pH. Term used to express the apparent acidity of alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

1827 Pour point. The lowest temperature at which an oil will flow or can be poured under specified conditions to test.

1828 Residual oil. A general term used to indicate a heavy viscous fuel oil.

1829 Scuppers. Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

1830 Sludge oil. Muddy impurities and acid which have settled from a mineral oil.

1831 Specific gravity. The ratio to the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

1832 Spontaneous ignition temperature (S.I.T.) The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

1833 Stoke. The unit of kinematic viscosity.

1834 Tonnage. There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

1834.1 Gross tonnage. 100 cubic feet of permanently enclosed space is equal to one gross ton-nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

1834.2 Net tonnage. The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbor dues are based on this tonnage.

1834.3 Displacement tonnage. The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

1834.4 Deadweight tonnage. The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

1835 Ullage. The amount by which a tank or vessel lacks being filled. (See also Outage).

1836 Viscosity. The property of liquids which causes them to resist instanteous change of shape, or instantanous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

1837 Viscous. Thick, resistant to flow, having a high viscosity.

1838 Volatile. Evaporates easily.

**Annex X—Schedule of Chemicals and Other Additives To Remove Oil and Hazardous Substances Discharges**

*2001 General*

2001.1 This Schedule has been prepared by the U.S. Environmental Protection Agency pursuant to section 1(2) of Executive Order 11735. This Schedule applies to the waters of the United States and adjoining shorelines, the waters of the Contiguous Zone, and the high seas beyond the Contiguous Zone in connection with activities under the Outer Continental Shelf Lands Act or the Deep Water Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).

2001.2 This Schedule applies to the use of any chemicals or other additives as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges. Any chemical agent or other substance not specifically defined in this schedule will be considered by EPA on a case-by-case basis for use in the removal of oil and hazardous substances discharges.

2001.3 This Schedule favors development and utilization of sorbents, skimmers, booms and other mechanical control methods to remove or mitigate oil and remove, mitigate, or neutralize hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that the use of chemicals and additives to remove or mitigate the effects of oil or hazardous substances discharges shall cause the least overall environmental impact.

2001.5 In implementing this Schedule and in maintaining its relationship with other Federal and State agencies, EPA shall recognize that some States may have more stringent laws, regulations or written policies regulating the use of chemicals in the removal of oil and hazardous substance discharges, in which case such laws, regulations or policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions no formal permit, as provided for by Sec. 402 of the Act, shall be required before application of chemicals to mitigate the effects of a discharge. The provisions of Sec. 1510.211(f) of this Plan shall apply.

*2002 Definitions*

Materials applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Chemical agents are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

2002.2 Dispersing Agents are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2002.3 Surface Collecting Agents are those chemical agents which are a surface film forming chemical for controlling oil layer thickness.

2002.4 Biological Additives are microbiological cultures, enzymes, or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging biodegradation to mitigate the effects of a spill.

2002.5 Burning Agents are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied.

2002.6 Sinking Agents are those materials which are applied to oil and hazardous substance spills to sink floating pollutants below the water surface.

2002.7 Mechanical removal methods include the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices.

2002.8 Sorbents are essentially inert and insoluble materials which are used to remove oil and hazardous substances from water through a variety of sorption mechanisms. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss.

*2003 Dispersing Agent Program for Spills of Oil and Applicable Hazardous Substances*

2003.1 Authorization for Use of Dispersing Agents

2003.1–1 Major and medium discharges. Dispersing agents may be used in any place, at any time, and in quantities designated by the OSC when their use will:

2003.1–1.1 In the judgment of the OSC, prevent or substantially reduce hazard to human life,

2003.1–1.2 In the judgment of the EPA RRT member on a case-by-case basis, in consultation with appropriate State or Federal agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; or,

2003.1–1.3 In the judgment of the EPA RRT member on a case-by-case basis, in consultation with appropriate State and Federal agencies, result in the least overall environmental damage, or interference with designated water uses.

2003.1–2 Minor discharge. The provisions of section 2003.1–1 shall apply.

2003.2 Special Restrictions on Dispersing Agent Use:

2003.2–1 Chemical agents shall not be considered for use as dispersing agents unless technical product data have been provided and accepted in accordance with 2003.3 except when in the judgment of the OSC the hazards discussed in 2003.1–1.1 are so imminent that the time delay for obtaining a dispersant agent that is in compliance with 2003.3 would be excessive.

2003.2–2 Federal officials responsible for oil and hazardous substance spill response activities at all levels shall develop effective programs to insure that dispersants that are available for use in appropriate spill response actions are dispersants with adequate technical data on file with EPA. This effort will help preclude the avoidance of the EPA technical data program by manufacturers or suppliers who might wish to take advantage of the emergency conditions provision of 2003.2–1.

2003.2–3 For all situations where dispersants are used, accurate records shall be kept on dispersant types, brands, application rates and methods, effectiveness, environmental impacts, plus any other pertinent observations.

2003.3 Technical Product Data For Dispersing Agents

2003.3–1 Technical product data as oulined in 2003.3–4 on the physical, chemical and toxicity characteristics of a dispersing agent shall be submitted to the Oil and Special Materials Control Division (WH–548), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the agent. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter on the adequacy of the data provided. If additional information is requested or EPA desires to perform tests, the dispersing agent may not be considered for use until the additional needs have been satisfied and the submitter so notified.

2003.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by the Environmental Protection Agency, Oil and Special Materials Control Division, (WH–548) Washington, D.C. 20460, to provide technical guidance to OSCs on the acceptable circumstances of use and dosage rates for dispersing agents. Any changes in the composition or formulation of the dispersing agent that will affect any of the data being requested in 2003.3–4 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised dispersing agent.

2003.3–3 The acceptance and maintenance of product data by EPA does

not constitute approval of the dispersing agent nor does it imply compliance with any EPA criteria or minimum standards for such agents. The OSC will determine which dispersing agent may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of the EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2003.3–4 in any advertisements or technical literature on the dispersing agent. The EPA letter must be used in its entirely. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the dispersing agent for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files, which would preclude use of the dispersing agent except as noted in 2003.2–3 for imminent hazards.

2003.3–4 Required Technical Product Data

2003.3–4.1 Name, brand, or trademark, if any, under which the chemical agent is sold.

2003.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2003.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2003.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes or otherwise damage effectiveness of the chemical agent.

2003.3–4.5 Shelf Life

2003.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2003.3–4.7 Dispersant Toxicity—Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460.

2003.3–4.8 Dispersant Effectiveness—Use standard effectiveness test methods in EPA R2–73–201, May 1973, pages 11–21.

2003.3–4.9 Flash Point—select appropriate method from the following: ASTM D56–70; ASTM D92–72; ASTM D93–72; ASTM D1310–67.

2003.3–4.10 Pour Point—Use ASTM D 97–66

2003.3–4.11 Viscosity—Use ASTM D 445–72

2003.3–4.12 Specific Gravity—Use ASTM D 1298–67

2003.3–4.13 pH—Use ASTM D 1293–65

2003.3–4.14 Ionic Activity—Use Weatherburn Test as described below:

Ionic activity tests (Weatherburn Test)

Reagents: 1. Dye solution: 0.03 grams methylene blue, 12 grams concentrated sulfuric acid, 50 grams anhydrous sodium sulfate dissolved in water to make a total of one liter solution.

2. Anionic surfactant solution—0.05% Aerosol OT (Sodium dioctyl sulfo succiante).

3. Chloroform

Ionic activity tests (Weatherburn Test)

Procedure: 1. Into a 25 ml. test tube, place 8 ml. of dye solution and 5 ml. chloroform. Add anionic surfactants solution drop by drop, shaking vigorously between drops and allowing phases to separare. Continue adding dropwise until the two layers are equal in color and intensity viewed in reflected light. Usually 10 to 12 drops of anionic solution are required.

2. Now add 2 ml. of 0.1% solution of the unknown and shake vigorously.

Results: 1. Chloroform phase (lower) is deeper in color and aqueous phase is mostly colorless—antionic is positive.

2. Water phase (upper) is deeper in color than the chloroform phase—cationic is positive.

3. Both phases are more or less the same color—probably a nonionic.

4. If the aqueous phase has become milkly and hence slightly lighter in color, it may still be nonionic. Soaps do not react in this procedure. If both anionics and nonionics are present, the reaction of this test will be anionic positive.

2003.3–4.15 Miscibility—Use the test described below which is a modification of military specification MIL–C–22230 (ships):

One part of the dispersing agent is mixed with 100 parts of synthetic sea water. The solution is agitated for one hour and any visible separation of the dispersing agent should be noted after this period of agitation. The test is to be performed with water temperatures at both 20°C and 0°C. The synthetic sea water shall formulated as follows: Sodium Chloride—150.0 grams; Magnesium Chloride, hexahydrate—66.0 grams; Calcium Chloride dihydrate—9.6 grams; Sodium Sulfate anhydrous—24.0 grams; Distilled water to make a total of—6.0 liters.

2003.3–4.16 Dispersing Agent Components.

Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified in complying with 2003. 3–4. 16.

(a) Surface active agents.

(b) Solvents.

(c) Additives.

If requested by the submitter, information from 2003. 3–4. 16 will be handled as trade secrets under provisions of P.L. 90–23, the Administrative Procedures Act.

2003.3–4.17 Heavy Metal and Chlorinated Hydrocarbons.

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2003.3–5 Analytical Laboratory Requirements for Technical Product Data:

2003.3–5.1 The required tests shall be performed by a qualified laboratory.

2003.3–5. 2 The technical product data submission shall include the identity of the laboratory, the qualifications of the laboratory staff including professional biographical information for individuals responsible for any tests, and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant or surface collecting agent toxicity must demonstrate previous bioassay experience in order for their results to be accepted. EPA will not approve the selection of laboratories by intended submitters of technical product data prior to submission of the data. It is the responsibility of the submitter to select competent analytical laboratories based on the guidelines contained herein.

2003.3–5.3 EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate environmental information on the dispersing agent.

*2004 Surface Collecting Agent Program for Spills of Oil and Applicable Hazardous Substances*

2004.1 Authorization for Use of Surface Collecting Agents: Major, Medium and Minor Discharges.

2004.1–1 The OSC may authorize use of surface collecting agents on a case-by-case basis when their use will:

2004.1–1.1 Result in the least overall environmental damage or interference with designated water uses, and

2004.1–1.2 Provide a key element in the most effective system for removing oil or hazardous substances discharges from the water environment.

2004.1–2 Mechanism for authorizing use. The OSC may authorize the use of a surface collecting agent verbally when on scene or by telephone prior to arriving on scene. In all cases, the OSC is obligated to comply with the provisions of 2004.2 prior to making such authorization. A review of the capabilities and expertise of the owner or operator or cleanup contractor prior to the occurrence of the spill incident would be most beneficial in situations where telephone authorization is desired or contemplated.

2004.2 Restrictions on Surface Collecting Agent Use.

2004.2–1 The OSC may authorize the use of surface collecting agents only after being informed of the environmental conditions at the point of intended use. These environmental conditions include air and water temperatures, wind conditions, wave and current conditions, presence and relative

density of debris and other floating matter on the water, type and condition of the oil or hazardous substance spilled, special biological factors such as waterfowl sanctuaries, wildlife refuges, spawning or nursery grounds, shellfish beds, swamp areas, etc., and the availability of removal equipment that could be employed to remove the collected material from the water. Information on environmental conditions should be evaluated by the OSC from the standpoint that conditions such as strong winds, choppy waters, low temperatures, debris, and aquatic vegetation can adversely affect the performance of collecting agents or complicate further removal operations. The performance can also vary with types of oils or hazardous substances. The agents can be effective with thin films of light oils but have little value with thick layers of heavy, viscous oils. The agents should not be used unless adequate removal equipment is available to remove the collected oil.

2004.2–2 A chemical agent shall not be used as a surface collecting agent unless the provisions of 2004.3 are complied with and EPA has informed the manufacturer's representative that the product is acceptable for use as a surface collecting agent.

2004.3 Technical Product Data for Surface Collecting Agents.

2004.3–1 Technical product data as specified in 2004.3–4 shall be provided to the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460, at least 30 days prior to the use of the agent. The use of existing surface collecting agents may be authorized by the OSC without complying with 2004.3 for 120 days from the effective date of this Annex. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter on the adequacy of the data submitted. If additional data are requested or EPA desires to perform additional tests, the surface collecting agent may not be used until these additional needs have been satisfied and the submitter so notified.

2004.3–2 Information furnished in accordance with 2004.3–4 shall be maintained on file by the EPA, Oil and Special Materials Control Division (WH–548), Washington, D.C. 20460, to provide technical guidance to OSCs on the acceptable circumstances of use, dosage rates and special problems in the use of surface collecting agent. Any changes in the composition or formulation of the surface collecting agent that will affect any of the data requested in 2004.3 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised formulation of the surface collecting agent.

2004.3–3 EPA will review technical product data for surface collecting agents and will issue approvals for agents meeting certain criteria. At present, the only minimum criterion established is for solubility which is described in 2004.3–4.13. This criterion classifies the substance as a surface collecting agent but is not an indication of the effectiveness or toxicity of the material. Other product data such as toxicity, chemical components, and physical characteristics will be reviewed and, if the combined effects of this data and other factors will result in excessive hazard to the aquatic life, work safety, or other elements of the environment in the judgment of EPA, the Agency may refuse to approve the use of the agent.

EPA may, from time to time, establish minimum criteria for the data being requested and may also require additional data to assist in arriving at a judgment on the environmental acceptability of collecting agent usage.

To avoid possible misinterpretation and misrepresentation of the EPA's role in the surface collecting agent technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2004.3–4 in any advertisements or technical literature on the collecting agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the surface collecting agent beyond that stated in the letter for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the surface collecting agent.

2004.3–4 Required Technical Product Data.

2004.3–4.1 Name, brand, or trademark, if any, under which the surface collecting agent is sold.

2004.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2004.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2004.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes, or otherwise damage effectiveness of the surface collecting agent.

2004.3–4.5 Shelf Life.

2004.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2004.3–4.7 Surface Collecting Agent Toxicity—Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Oil and Special Materials Control Division (WH–548), EPA, Washington, D.C. 20460.

2004.3–4.8 Flash Point—Select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2004.3–4.9 Pour Point—Use ASTM D 97–66.

2004.3–4.10 Viscosity—Use ASTM D 445–72.

2004.3–4.11 Specific Gravity—Use ASTM D 1298–67.

2004.3–4.12 pH—Use ASTM D 1293–65.

2004.3–4.13 Interim Test to Distinguish Between Surface Collecting Agents and Other Spill Cleanup Chemicals.

In order to distinguish between surface collecting agents and other chemical materials, this interim test procedure was developed. This test procedure is not an efficiency test. It is to be used only to distinguish between surface collecting agents and dispersants.

*Scope*

1. Procedure to be used to determine the solubility in water under standard conditions of oil spill control chemicals.

*Method Summary*

2. Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water, allowed to stand undisturbed for one hour, and then the volume of the upper phase is determined to the nearest 1 milliliter.

*Apparatus*

3. (a) Mixing cylinder, 100 milliliter subdivisions and fitted with glass stoppers.
(b) Pipettes: Volumetric pipette, 5.0 milliliter.
(c) Timers

*Procedure*

4. Add 95 milliliters of distilled water at 22° C ± 3° C to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder 5 times in 10 seconds. Set upright for one (1) hour at 22° C ± 3° C and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75%) should be at the water surface as a separate and easily distinguished layer.

2004.3–4.14 Surface Collecting Agent Components.

Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified:

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information for 2004.3–4.14 will be handled as trade secrets under provisions of P.L. 90–23, the Administrative Procedures Act.

2004.3–4.15 Heavy Metals and Chlorinated Hydrocarbons.

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the

detailed analytical methods and sample preparation shall be fully described.

2004.3–5 Analytical Laboratory Requirements for Technical Product Data: Follow stipulations in 2003.3–5.

*2005 Biological Additive Program for Spills of Oil and Applicable Hazardous Substances*

2005.1 Authorization for use of biological additives.

2005.1–1 All discharges, the OSC may authorize the use of biological additives on water or shorelines only after obtaining the approval of the EPA representative to the RRT. The EPA RRT representative is required to consult with the EPA representative to the NRT on the environmental priorities of the subject incident. The manufacturer or supplier of microbiological cultures or enzymes must obtain approval from State and local public health and pollution control officials and furnish evidence of such approval to the EPA RRT representative.

2005.2 Special Restrictions on Biological Additive Use.

2005.2–1 Microbiological cultures and enzyme mixtures shall not be considered for use as biological additives unless technical product data here been provided and accepted in accordance with 2005.3.

2005.2–2 The OSC must be supplied with the chemical composition and ratios of primary nutrients or nutrient additives prior to seeking approval for their use.

2005.3 Technical Product Data for Biological Additives.

2005.3–1 Technical product data as outlined in 2005.3–4 on the constituents of a biological additive shall be submitted to the Oil and Special Materials Control Division (WH–548), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the additive. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided.

If additional information is requested or EPA desires to perform tests, the biological additive may not be used until the additional needs have been satisfied and the submitter so notified.

2005.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by EPA to provide technical guidance to OSCs on the acceptable circumstances of use and application rates for biological additives. Any changes in the composition of the biological additive that will affect any of the data being requested in 2005.3–4 shall be immediately brought to the attention of EPA, and testing of the additive will be repeated prior to the use of the revised biological additive.

2005.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the biological additive nor does it imply compliance with any EPA criteria or minimum standards for such additives. The OSC will determine which biological additive may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2005.3–4 in any advertisements or technical literature on the biological additive. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the biological additive for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the biological additive.

2005.3–4 Required Technical Product Data.

2005.3–4.1 Name, brand, or trademark, if any, under which the biological additive is sold.

2005.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2005.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2005.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures.

2005.3–4.5 Shelf Life.

2005.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2005.3–4.7 Statements on the expected effectiveness of the additive including degradation rates and the test conditions and data on effectiveness.

2005.3–4.8 For microbiological cultures furnish the following information:

—Listing of all microorganisms to species*
—Percentage of each species in the composition of the additive*
—Optimum pH and temperature range for use of the additive
—Special nutrient requirements, if any
—Separate listing of the following and test methods for such determinations:

Salmonella, fecal coliform, Shigella, Straphylococcus Coagulase positive, and Beta Hemolytic Streptococci.

2005.3–4.9 For enzyme additives furnish the following information:

—Enzyme name(s)
—International Union of Biochemistry (I.U.B.) number(s)
—Source of the enzyme
—Units
—Specific Activity
—Optimum pH and temperature range for the use of the additive.

2005.3–5 Laboratory Requirements for Technical Product Data: Follow stipulations in 2003.3–5.

*2006 Burning Agent Program for Spills of Oil and Applicable Hazardous Substances*

2006.1 Authorization for Use of Burning Agents.

2006.1–1 All discharges. The OSC may authorize the use of burning agents only when they will:

2006.1–1.1 Prevent or substantially reduce imminent threats to human life or limb or property;

2006.1–1.2 Result in the least environmental harm when compared to other removal or disposal methods.

2006.1–2. Prior to authorizing use under 2006.1–1.2, the OSC must obtain approval of the EPA RRT representative and all applicable State and local public health and pollution control officials.

2006.2 Special Restrictions on Burning Agent Use.

2006.2–1 The OSC will evaluate the suitability of burning agents on a case-by-case basis. Burning agents should be inert materials that will not, in themselves, be a water pollutant. The addition of oils (such as gasoline or solvents) as an igniter shall be avoided unless it is necessary under 2006.1–1.

2006.2–2 A technical data program for burning agents will not be established at this time.

*2007 Sinking Agent Program for Spills of Oil and Applicable Hazardous Substances*

2007.1 Authorization for Use of Sinking Agents.

2007.1–1 All Discharges.

Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable waters of the United States and the contiguous zone.

2007.1 Authorization for use of sinking agents.

2007.1–1 All discharges. Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable waters of the United States and the contiguous zone.

*2008 Mechanical Methods and Sorbents Program for Spills of Oil and Hazardous Substances*

2008.1 Authorization for Use of Mechanical Methods and Sorbents.

2008.1–1 All Discharges.

2008.1–1.1 As stated in 2001.3, it is the policy of this Schedule to favor the use of mechanical methods and sorbents for removal of oil and hazardous substances spills. The OSC has the authority to use or prohibit specific mechanical methods and sorbents on a case-by-case basis. The OSC will select methods and materials that, in his judgment, will be most effective in expeditiously removing the spilled material and mitigating the related damages, and will minimize secondary pollution from the removal or mitigation operation. Prior to authorizing the use of sorbents, the OSC shall take into consideration hydrographic and meteorological conditions as well as the characteristics of the sorbent and the availability of adequate containment and removal equipment.

2008..1–1.2 A technical data program for mechanical methods and sorbents will not be established at this time.

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*If requested by the submitter, these items will be handled as trade secrets under provisions of P.L. 90–23, the Administrative Procedures Act.